

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.6.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.1636 of 2019

G.Sulochana

..Appellant/Petitioner

Versus

The District Educational Officer,
S.S.Kulam Education District,
Ondiputhur, Coimbatore 641 016.

..Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order of this court dated 10.1.2019 in W.P.No.716 of 2019 and petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 14.11.2018.

For appellant : Mr.N.Ravishankar Vallatharasu

For respondent : Ms.V.Annalakshmi, AGP.

JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

Petitioner-G.Sulochana has filed this intra-court Appeal aggrieved by the order of the learned Single Judge dated 10.1.2019 dismissing Writ Petition No.716 of 2019.

2. The Petitioner/Appellant had claimed in the writ petition that she should be treated as Secretary of the Educational Institution, Sri Venkateswara High School, for a period from 10.6.2017 to 10.6.2020 under the Resolution passed by the Managing Committee on 9.6.2017.

3. The learned Single Judge dismissed the writ petition, inter alia, giving reason that the petitioner failed to question the recognition of another person viz., Mr.B.Sridhar as Secretary of the School based on an order passed by the District Educational Officer, Ondiputhur, Coimbatore, for a period from 20.2.2014 to 19.2.2017.

4. Having heard the learned counsel for the Appellant/Petitioner, we are of the opinion that the present Writ Appeal has no merit and deserves to be dismissed for the following reasons. Firstly, the Petitioner/Appellant is shown to be a party to the School Committee as President cum Secretary in the Meeting convened on 9.6.2017 in which the said Resolution was purportedly passed to extend the period of the School Committee which expired on 9.6.2017, for a further period of 3 years from 10.6.2017 to 10.6.2010. The petitioner, being a party to the Resolution enuring to her own benefit, she could not pass such a Resolution and claim that she should be treated as Secretary of the said Institution. Therefore, on the ground of bias itself, her claim falls to the ground.

5. Secondly, we find that the learned Single Judge has rightly observed that the Appellant/Petitioner has claimed the relief without questioning the recognition of the other person viz., Mr.B.Sridhar as Secretary of the School and without impleading him, the petitioner could not seek any such relief in the writ court.

6. Thirdly, we are of the opinion that the Institution concerned being not impleaded as party before the writ court, the petitioner cannot claim any relief in this regard.

7. Therefore, for the above reasons, we do not find any merit in the present Writ Appeal and the same is liable to be dismissed. Accordingly, it is dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.

To:

The District Educational Officer,
S.S.Kulam Education District,
Ondiputhur, Coimbatore 641 016.

+1cc to Mr.N.Ravishankar Vallatharasu, Advocate, S.R.No.44919
+1cc to the Government Pleader, S.R.No.45396

W.A.No.1636 of 2019

NRJK (CO)

RRS (02/07/2019)