

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.14843 of 2019

and

WMP.Nos.14827 and 14829 of 2019

R. Krishnakumar

..Petitioner

vs

1. The Collector of the Nilgiris
the Ex-officio President of Board of Management
Brecks Schools, Udhagamandalam, Nilgiris District.

2. The Chief Educational Officer (Nilgiris)
the Ex-Officio Vice-President of Board of Management
Brecks Schools, Udhagamandalam, Nilgiris District.

3. The Inspector of Anglo Indian Schools,
DPI Compound, Chennai- 600 006,
The Ex-Officio Member of Board of Management
Brecks School, Udhagamandalam.

4. The Additional Personal Assistant
to the Collector of the Nilgiris
Nilgiris District
The Ex-Officio Member of Board of Management
Brecks School, Udhagamandalam.

5. The Principal
Brecks All India Secondary School,
Udhagamandalam, Nilgiris District.

6. Mrs. Savithri
Administating Officer of Brecks Schools and
Acting Headmistress of Brecks All India Secondary School,
Udhagamandalam, Nilgiris District.

7. The Secretary
Central Board of Secondary Education
P.S.1-2, Institutional Area, I.P.Extension, Patparganj,
Delhi- 110 092.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus or any other writ, order or direction in the nature of writ calling for the records pertaining to the impugned Advertisement dated 07.05.2019 in the Hindu, Coimbatore Edition inviting for applications to the post of Principal (Temporary Vacancy) issued by the 5th Respondent School through the 6th respondent Administrative officer and Headmistress in-charge quash the same and direct the Breeks Management Committee/Board of Management head by the 1st respondent to appoint the petitioner as Principal/Headmaster of the 5th respondent School (Breeks All India Secondary School, Nilgiris) and pass such further or other orders.

For Petitioner : Mr. D. Prabhu Mukunthi Arunkumar

For Respondents : Mr. AN. Thambidurai for R1
Mr. A. Rajaperumal, AGP for R2 and R3
Mr. R.S. Selvam,
Government Advocate for R4

O R D E R

The case of the petitioner is that the petitioner was initially appointed as temporary Maths Teacher in the year 1999 and thereafter in the year 2011, the District Collector Ex Officio President of the Breeks School Management Committee appointed one Najma Anwar as Head Mistress in the respondent School on the basis of seniority and thereafter on 30.5.2012, the District Collector Ex Officio President appointed one S.K.Nethaji as Head Master in the respondent School on the basis of seniority.

2. While that being so, on 02.07.2018, the District Collector Ex Officio President of the Breeks Management Committee appointed Mrs.R.Savithri as Administrative Officer on the recommendation of District Education Officer, Nilgiris for both respondent School and Breeks Memorial Anglo Indian Hr. Sec. School. Thereafter on

10.11.2018 the District Collector of Nilgiris, Ex-officio President of Breeks Management Committee on the death of the said S.K.Nethaji, directed that the Principal post to be handed over to Savithiri who is the Administrative Officer and immediately thereafter on 14.12.2018 the petitioner submitted the application for the post of Principal with the District Collector, who is the Ex Officio President of the Breeks Management Committee and again the petitioner sent a reminder letter on 28.01.2019 and another reminder on 08.03.2019. As there was no response, the petitioner sent another reminder on 30.04.2019. While the application of the petitioner is pending, the District Collector issued an another advertisement dated 07.05.2019 calling for application for the temporary Principal post in the respondent School in the Hindu news paper. Aggrieved by the same, the present Writ Petition is filed.

3. On seeing the advertisement, the petitioner made a representation on 20.05.2019 to the District Collector to recall the advertisement dated 07.05.2017 and appoint him as a Principal in the respondent School, but there was no response.

4. While the pendency of the Writ Petition, which was with the prayer to quash the impugned order dated 07.05.2019 calling for application for the post of Principal in the respondent School, however in the absence of interim order and subsequent appointment of one Savithri the Principal, the petitioner resigned from the post and hence the Writ Petition has become infructuous. Accordingly, I do not find that anything survives for further adjudication in the matter. However, liberty is granted to the petitioner to participate in the selection process, in the future vacancy. However this Court makes it clear that the petitioner is entitled to participate in the Selection process if the District Collector issues a fresh notification for appointment in future for the post of Principal. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

mrn
To,

1. The Collector of the Nilgiris
the Ex-officio President of Board of Management
Brecks Schools, Udhagamandalam, Nilgiris District.

2. The Chief Educational Officer (Nilgiris)
the Ex-Officio Vice-President of Board of Management
Brecks Schools, Udhagamandalam, Nilgiris District.

3. The Inspector of Anglo Indian Schools,
DPI Compound, Chennai- 600 006,
The Ex-Officio Member of Board of Management
Brecks School, Udhagamandalam.

4. The Additional Personal Assistant
to the Collector of the Nilgiris
Nilgiris District
The Ex-Officio Member of Board of Management
Brecks School, Udhagamandalam.

5. The Secretary
Central Board of Secondary Education
P.S.1-2, Institutional Area, I.P.Extension, Patparganj,
Delhi- 110 092.

+1cc to Mr.D. Prabhu Mukunthi Arunkumar , Advocate SR.No.
76325

+1 cc to Government Pleader Sr.No. 76864

W.P.No.14843 of 2019
and

WMP.Nos.14827 and 14829 of 2019

A.SK(15/10/2019)

सत्यमेव जयते

WEB COPY