



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.A(MD)NO.253 OF 2019
and
C.M.P(MD)No.2063 of 2019**

Rev.M.Mohanan
Son of N.Manunel,
Manager, Lutheran School Corporate Managements,
CLHSS Compound,
Peroorkada-5,
Trivandrum,
Trivandrum District.

:Appellant/ Petitioner

.vs.

- 1.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
- 2.The District Educational officer,
Kuzhithurai, Kanyakumari District.
- 3.The India Evangelical Lutheran Church,
Thiruvananthapuram Synad,
CLHSS Compound, Peroorkada-5,
Trivandrum,
Thiruvananthapuram District.

4.Mr.T.Stephen : Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.13107 of 2018, dated 28.09.2018.

Prayer in WP(MD). 13107/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus to call for the records on the files of the 2nd respondent pertaining to its order bearing Na.Ka.No.1843/A4/2018 dated 01.06.2018 and to quash the same and consequently direct the respondents to permit the petitioner to continue as the Correspondent of Concordia Lutheran High School, Kalparapottai till the end of his tenure that is 01.09.2019.



For Appellant
For Respondents
R1 AND R2

:Mr.S.C.Herold Singh
:Mrs.S.Srimathi
Special Government Pleader
:Mr.B.Christopher

For Respondent-3

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O R D E R

[Judgment of the Court was made by **K.KALYANASUNDARAM., J.**]

This Writ Appeal is preferred against the order of the learned Single Judge in W.P(MD)No.13107 of 2018, dated 28.09.2018.

2.Heard Mr.S.C.Herold Singh, learned counsel appearing for the Petitioner, Mrs.S.Srimathi, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.B.Christopher, learned counsel appearing for the third respondent and perused the materials available on record.

3.The post of fourth respondent as Correspondent of the appellant/School namely, Concordia Lutheran High School, Kalparapottai was put to challenge by the Petitioner in W.P(MD) No.13107 of 2018. When the Writ Petition was taken up for hearing, HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN, Retired Judge of the High Court, Madras was appointed as Administrator of the Church, by order dated 31.7.2018, in Transfer C.S.No.741 of 2017. Taking note of the fact that the Writ Petition was disposed of by observing that it is for the parties to approach the Administrator to get any relief.

4.It is contended by Mr.S.C.Herold Singh, learned counsel for the Petitioner that in pursuance of the order passed in the Writ Petition, the fourth respondent demitted his Office as Correspondent of the school and the service of the appellant can be utilized as Correspondent of the School, till new election is conducted. This Court is not in a position to accept the submission made by the learned counsel for the appellant.

5.In our considered opinion, the appellant has to approach the Administrator as per order of the learned Single Judge for getting any relief. Hence, we find no merit in this Writ Appeal.

6.Accordingly, the Writ Appeal is dismissed, with liberty to the appellant to approach the Administrator, for necessary relief. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar ()

// True Copy //



vsn
To

1.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

2.The District Educational officer,
Kuzhithurai,
Kanyakumari District.

+1. C.C. To Mr.S.C.Herold Singh Advocate SR.No.54154

JUDGMENT MADE IN
W.A(MD) NO.253 OF 2019
and
C.M.P (MD) No.2063 of 2019
14.03.2019

SP/SAR- /05.04.2019/3P/4C