



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:02.07.2019

CORAM

THE HON'BLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD) No.18407 of 2015

and

W.M.P.(MD) Nos.1 and 2 of 2015

WEB COPY

Mathias Selvaraj

... Petitioner

-vs-

1.Manager of Salvation Army School,
The Territorial Head Quarters,
South Eastern Territory,
Maharaja Nagar, High Ground,
Tirunelveli-11.

2.The Correspondent,
Salvation Army Higher Secondary School,
Vettoornimadam, Nagercoil,
Kanyakumari District.

3.The District Educational Officer,
Nagercoil, Kanyakumari District.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Lr.No.021/2015-16 dated 02.09.2015 and quash the same as illegal with exemplary cost.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

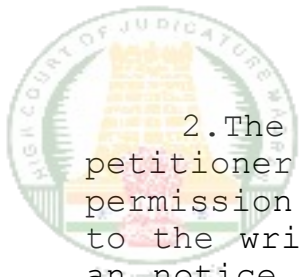
For Respondents : No Appearance (for R-1)

Mr.H.Thayumana Swamy (for R-2)

Mrs.S.Srimathy
Special Government Pleader
(for R-3 and R-4)

ORDER

The impugned notice dated 02.09.2015 passed by the second respondent, is under challenge in the present writ petition.



2.The impugned notice, dated 02.09.2015 states that the writ petitioner had filed the contempt petition without the prior permission of the School Management. Thus, one week time was given to the writ petitioner to submit his explanation in writing. Such an notice is absolutely untenable and approaching the Court of law is a fundamental right of a citizen under the Constitution of India. No such permission is required to establish the legal rights of the citizen by filing the cases before the competent Court of law. This apart, it is brought to the notice of this Court that the writ petitioner was allowed to retire from service and under these circumstances, the impugned notice cannot be acted upon.

3.Accordingly, the impugned order passed by the second respondent in proceedings Lr.No.021/2015-16, dated 02.09.2015, is quashed and the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

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

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

+1 CC to M/s.H.THAYUMANASWAMY, Advocate SR-73048.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-73113.

+1 CC to SPL GP SR-73525.

**W.P. (MD) No.18407 of 2015
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CS/ /SAR/16.07.2019/ 2P/ 6C