

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Fourth day of September Two Thousand Nineteen

PRESENT

The Hon'ble Mr.Justice T.S.SIVAGNANAM

and

The Hon'ble Mrs.Justice R.THARANI

CMP(MD) No.8084 of 2019

IN

WA(MD) No.901 of 2019

C.SUMATHI

...APPELLANT/ PETITIONER

Vs

1 THE DIRECTOR
MOST BACKWARD AND DENOTIFIED COMMUNITIES WELFARE DEPARTMENT,
EZHILAGAM, CHENNAI 600 005.

2 THE JOINT DIRECTOR,
KALLAR RECLAMATION, MADURAI,
MADURAI DISTRICT 625 020 ... RESPONDENTS 1 & 2/RESPONDENTS 1 & 2

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay of all further proceedings pursuant to the impugned proceedings in Se.Mu.No.B1/4313/2108 dated 1.08.2019 on the file of the 1st respondent herein and consequent proceedings in Na.Ka.No.H1/10725/2018 dated 14.8.2019 on the file of the 2nd respondent pending disposal of the above writ appeal.

PRAYER IN WA(MD) No.901 of 2019:

Pleased to set aside the order passed on 28.08.2019 in WMP(MD) No.15014 of 2019 in WP(MD)No.18647 of 2019 on the file of this Hon'ble High Court and allow the above Writ Miscellaneous Petition.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.CHANDRASEKAR, Advocate for the petitioner and of Mrs.S.Srimathy, Special Government Pleader, for the Respondents, the court made the following order:-

[Order of the Court was made by T.S.SIVAGNANAM, J.]

The petitioner being aggrieved by the order of the learned Single Judge in not granting interim stay of the order passed by the first respondent dated 01.08.2019 and the consequential order of the second respondent dated 14.08.2019 is before us by way of the Writ Appeal and the petition for interim stay.

2.Heard Mr.G.Chandrasekar, learned counsel appearing for the petitioner and Mrs.S.Srimathi, learned Special Government Pleader, who accepts notice on behalf of the respondents and she has been instructed by the Personal Assistant to the Joint Director, Kallar Reclamation, Madurai.

3.The issue, which has been raised in the Writ Appeal, pertains to whether the School in which the petitioner is working viz., Government Kallar Girls Higher Secondary School, Mela Urappanoor, Madurai District, requires conversion of the post of Post Graduate Assistant in History to that of Geography.

4.It is the submission of the learned counsel for the petitioner that there are 80 students studying history subject and 40 students studying in the Geography subject and the petitioner is handling both the subjects history and geography and has produced consistent centum results not only in history but also in geography and the reason for the said conversion is with ulterior motive to benefit a particular individual.

5.We find from the impugned order in the writ petition that no proposal has been emanated from the institution or its headmaster or from the teachers or parent teacher association or students. Further, it is not the case of the respondents that there are insufficient students strength in the subject of history as the petitioner would state that there are 80 students, who are studying the subject history. We are informed that the administration of the institution is under the control of the Director, Most Backward and Denotified Communities Welfare Department and there are 13 such schools which are under the control of the Joint Director, Kallar Reclamation, Madurai, the second respondent.

6.In our considered view, if according to the respondent there is a need for a Post Graduate Assistant in Geography, they should have sanctioned such a post and resorting to transfer the history teacher, who was handling history and geography subjects is not appreciated and more particularly when the academic year is in session.

7.For the reasons stated above, there will be an order of interim stay of the proceedings of the first respondent dated 01.08.2019 and the consequential proceedings of the second respondent dated 14.08.2019 until further orders.

8.The C.M.P.(MD) No.8084 of 2019 is disposed of accordingly.

sd/-
04/09/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DIRECTOR
MOST BACKWARD AND DENOTIFIED COMMUNITIES WELFARE DEPARTMENT,
EZHILAGAM, CHENNAI 600 005.

2 THE JOINT DIRECTOR,
KALLAR RECLAMATION, MADURAI,
MADURAI DISTRICT 625 020

+1CC to M/s.G.CHANDRA SEKAR, Advocate (SR-14746[I] dated 04/09/2019)

ORDER
IN
CMP (MD) No.8084 of 2019
IN
WA (MD) No.901 of 2019
Date :04/09/2019

sj
ES/PN/SAR 3/04.09.2019/3P/4C

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