



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P(MD)No.20083 of 2019

WEB COPY

M.Ciltus

... Petitioner

/Vs./

1.State of Tamil Nadu

Rep., by the Principal Secretary to the Government,
School Education Department,
State of Tamil Nadu,
St George Fort, Chennai.

2.The Director of School Education,

State of Tamil Nadu,
DPI Campus,
College Road, Chennai.

3.The Joint Director of School Education,

State of Tamil Nadu,
DPI Campus, College Road,
Chennai.

4.The Chief Education Officer,

South SLB Road,
Nagercoil, Kanyakumari District.

5.The District Education Officer,

Office of the DEO,
Marthandam, Kanyakumari District.

6.The School Head Master,

Government Higher Secondary School,
Keelakulam West, Kanyakumari.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to direct the fifth respondent not to remove the petitioner from his position as President of Parents Teachers Association in the Keelakulam West Government Higher Secondary School, Kanyakumari District till the completion of the petitioner's office term of service by considering the petitioner's representation dated 17.08.2019 in accordance with law within time stipulated by this Court.

For Petitioner : Mr.S.Manoj

For Respondents : Mr.M.Karuppasamy (for R1 to R5)
Government Advocate



ORDER

Mr.S.Manoj, representing learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Karuppasamy, learned Government Advocate, accepts notice on behalf of respondents 1 to 5.

3. To be noted, sixth respondent is private respondent. In the hearing, learned counsel for writ petitioner restricts the prayer to disposal of representation. From the abridged prayer it comes to light that an order, which is not adverse to sixth respondent (private respondent) can be passed, after making sufficient and adequate safe-guards in this regard.

4. With consent of learned counsel on record for the writ petitioner and learned Government Advocate, who accepts notice on behalf of respondents 1 to 5 (official respondents), main writ petition is taken up, heard out and is being disposed of.

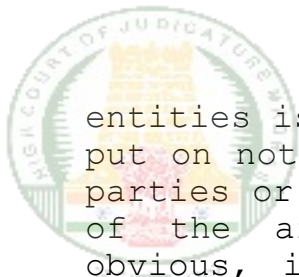
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 17.08.2019 wherein writ petitioner has made a plea to continue as President of Parent Teacher Association in sixth respondent School, till completion of his office term of service, which according to the petitioner ends in 2020 (having been elected for three years on 12.12.2017).

6. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the fourth respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 17.08.2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the fourth respondent is the authority who shall consider the aforementioned representation dated 17.08.2019 made by the writ petitioner (page Nos.1 to 3 of the typed set of papers forming part of the case file).

8. The aforesaid representation dated 17.08.2019 shall be disposed of by the fourth respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. It is made clear that in the course of the representation being considered by the fourth respondent, if the rights of any other third party / parties or any other third party entity /



entities is / are likely to be affected, the fourth respondent shall put on notice and give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. It is also made clear with specificity that sixth respondent have to be put on notice and given a reasonable opportunity by the fourth respondent before taking a decision.

10. Though obvious, it is made clear that petitioner abridging the prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.

11. The proceeding / order of disposal shall be communicated by the office of the fourth respondent to the writ petitioner under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

12. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

Rmk

To

1.The Principal Secretary to the Government,
State of Tamil Nadu
School Education Department,
State of Tamil Nadu,
St George Fort, Chennai.

2.The Director of School Education,
State of Tamil Nadu,
DPI Campus,
College Road, Chennai.

3.The Joint Director of School Education,
State of Tamil Nadu,
DPI Campus, College Road,



4.The Chief Education Officer,
South SLB Road,
Nagercoil, Kanyakumari District.

5.The District Education Officer,
Office of the DEO,
Marthandam, Kanyakumari District.

+1 CC to M/s.SPL GP (SR-87978[F] dated 19/09/2019)

Order made in
W.P (MD) No.20083 of 2019

18.09.2019

KK/SAR/15.10.2019/4P-7C/