



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2019**

CORAM:

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

W.P(MD)No.24610 of 2019

and

W.M.P. (MD)Nos.21259 and 21260 of 2019

K.Vinoth Kumar,
Secretary,
School Committee of Parvathy High School,
Ilupaiyurani,
Kovilpatti 628502.

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of School Education,
The Directorate of School Education,
D.P.I.Complex,
Chennai-6.

3.The Chief Educational Officer,
Tutucorin,
Tutucorin District.

4.The District Educational Officer,
Kovilpatti,
Tutucorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records in pursuant to the first impugned order issued by the fourth respondent in proceedings Na.Ka.No.1251/A3/2017 dated 23.03.2017 & the second impugned order issued by the second respondent in proceedings Na.Ka.No.12785/G1-E2/2019 dated 14.03.2019 and the consequential impugned order issued by the fourth respondent in proceedings Na.Ka.No.1000/A3/2019 dated 24.10.2019 and quash these orders and consequently direct the respondents to approve the appointment of the petitioner as Secretary of School Committee of Parvathy High School, Illupaiyurani.



For Petitioner : Ms.M.Padmavathy

For Respondents : Mr.K.MU.Muthu
Additional Government Pleader

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ORDER

Ms.M.Padmavathy, learned Counsel on record for writ petitioner and Mr.K.MU.Muthu, learned Additional Government Pleader, who accepts notice on behalf of all the four respondents are before this Court.

2. With consent of learned Counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

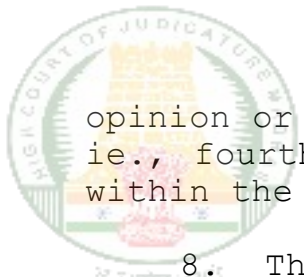
3. Instant main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 16.08.2018 wherein writ petitioner has sent an application / draft for approval regarding writ petitioner's claim qua appointment as Secretary of a School for the triennium 01.06.2017 - 31.05.2020.

4. Notwithstanding several averments/ grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of instant writ petition / prayer in instant 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 16.08.2018, details of which have been alluded to supra.

5. Learned State counsel submitted that fourth respondent is the authority who shall consider the aforementioned representation dated 16.08.2018 made by the writ petitioner (page No.38 of the typed set of papers forming part of the case file).

6. The aforesaid representation dated 16.08.2018 shall be disposed of by the fourth respondent on its own merits, 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.

7. 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. The authority concerned ie., fourth respondent shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

8. The proceeding / order of disposal of aforementioned representation shall be communicated by the office of the fourth respondent to the writ petitioner and others concerned if any under due acknowledgement within seven (7) working days from the completion of aforesaid exercise, ie., seven days from date of disposal.

9. Instant Writ Petition is disposed of with above directions. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

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Chennai-600 009.

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3.The Chief Educational Officer,
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Tutucorin District.

4.The District Educational Officer,
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Tutucorin District.

+1 CC to M/s.R.PREM NARAYAN, Advocate (SR-100169[F] 21/11/2019)

+1 CC to M/s.Special Government Pleader (SR-100554[F] 22/11/2019)

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21.11.2019

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https://hccs.ecourts.gov.in/cases/3P_7C