



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Twenty Second day of August Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR

WEB COPY

WMP(MD) No.9503 of 2017

IN

WP(MD) No.4149 of 2017

N.SATHAVU

... PETITIONER

Vs

1 THE GOVERNMENT OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
SECRETARIAT, FORT ST. GEORGE, CHENNAI.

2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI.

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
MADURAI DISTRICT, MADURAI.

4 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
SEDAPATTI, MADURAI DISTRICT.

5 S.BHASKARAN

6 INDIRA GANDHI

7 B.CHANDRAPRIYA

8.S.KALAISELVI

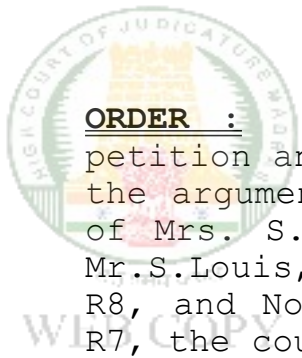
... RESPONDENTS

(R8 IMPEADED VIDE ORDER DATED 19.07.2019)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim injunction in Writ Petition WMP(MD)No.3305 of 2017 in WP(MD)No.4149 of 2017 dated 09.03.2017 as devoid of merits.

Prayer in WP(MD)No. 4149/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the 3rd respondent in Na.Ka.No.12/A5/2016 dated 21.06.2016 quash the same and direct the 3rd respondent to fix the petitioners seniority ahead of the respondent 5 to 7 as per the proceedings of the 2nd respondent dated 12.03.2009 in Na.Ka. No. 5431/D1/01 with all attendant monetary benefits and pass such further or other orders as this Hon'ble Court.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.Subramanian, Advocate for the Petitioner, and of Mrs. S.Srimathy, Special Government Pleader, for R1 to R4, and Mr.S.Louis, Advocate for R5, and Mr.Rathinavelpandian, Advocate for R8, and No appearance either in person or by an Advocate for R6 & R7, the court made the following order:-

This Miscellaneous Petition has been filed to vacate the order of interim injunction granted in W.M.P.(MD) No.3305 of 2017 in W.P.(MD) No.4149 of 2017, dated 09.03.2017.

2.The learned Special Government Pleader would submit that this Court by order dated 09.03.2017, granted an order of interim injunction restraining the third respondent in the writ petition from filling up the vacant post of Middle School Headmaster in the fourth respondent Union. Further, she would submit that the writ petitioner has approached this Court at very belated stage.

3.According to the writ petitioner, the seniority list prepared by the respondent department for promotion to the post of Middle School Headmaster is contrary to the seniority list prepared by the Teachers Recruitment Board based on merits as well as the roster system.

4.On perusal of the order dated 09.03.2017, it is seen that the post of Headmaster in the fourth respondent school is still vacant. If no Headmaster is appointed in any one of the schools, the students will be suffered a lot.

5.Hence, in the interest of justice, this Court is inclined to allow this petition and the order passed in W.M.P.(MD)No.3305 of 2019 is hereby set aside and the present petition is allowed with the following directions:

i) if any promotion made by the respondent department will be subject to the outcome of the orders to be passed in the main writ petition;

ii) the respondent department is directed to implead the Teachers Recruitment Board in the main writ petition as a necessary party;



6.Post the main writ petition on 17.09.2019 for final disposal.

sd/-
22/08/2019

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE PRINCIPAL SECRETARY,
THE GOVERNMENT OF TAMILNADU,
DEPARTMENT OF SCHOOL EDUCATION,
SECRETARIAT, FORT ST. GEORGE, CHENNAI.
 - 2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI.
 - 3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
MADURAI DISTRICT, MADURAI.
 - 4 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
SEDAPATTI, MADURAI DISTRICT.
- +1 CC to M/s.S.LOUIS, Advocate (SR-13976[I] dated 22/08/2019)
+1 CC to M/s.J.C.RATHINAVEL PANDIAN, Advocate
(SR-14119[I] dated 27/08/2019)
+1 CC to M/s.SPL.GOV.T.PLEADER (SR-13990[I] dated 26/08/2019)
+1 CC to M/s.R.SUBRAMANIAN, Advocate(SR-13984[I] dated 26/08/2019)

ORDER
IN
WMP(MD) No.9503 of 2017
IN
WP(MD) No.4149 of 2017
Date :22/08/2019

MM
ES/PN/SAR 1/05.09.2019/3P/9C