



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.6853 of 2020

and

W.M.P (MD)No.6259 of 2020

and

WMP (MD)No.6261 of 2020

Kulathur Hindu Nadar Middle School,
Kulathur Village,
Vilathikulam,
Thoothukudi District,
Represented by its Secretary

...Petitioner

-Vs-

1.The Chief Educational Officer,
Tuticorin District,Tuticorin.

2.The Block Education Officer,
Vilathikulam,
Tuticorin.

...Respondents

3.Kulathur Hindu Nadar Middle School
Kulathur Village,
Vilathikulam,
Thoothukudi District
Represented by its Secretary,
M.Rammanoharan

....3rd respondent

(R3 is Impleaded Vide Court Order,
dated 03.08.2020 in WMP.(MD)No.7314 of 2020)

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in Na.Ka.No.1936/E2/2020 dated 05.06.2020 and quash the same as illegal.

For Petitioner	: Mr.M.E.Ilango for Mr.V.Nirmal Kumar
For R1 & R2	: Mrs.S.Srimathy, Special Government Pleader
For R3	: Mr.T.A.Ebenezer

ORDER

The prayer sought for in this writ petition is for a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in Na.Ka.No.1936/E2/2020 dated 05.06.2020 and quash the same as illegal.



2. The petitioner's School Management represented by one Pethu Mariappan has filed this writ petition challenging the impugned order dated 05.06.2020, wherein, the official respondents issued the said proceedings styled as a show cause notice asking to submit the salary proposals to the teaching staff. They further stated that if they have not done so within seven days the official respondents will take a decision to disburse the salary by way of direct payment.

3.The learned counsel appearing for the petitioner would submit that, pursuant to the impugned show-cause notice, on 29.07.2020 the necessary proposals had been submitted by the management represented by Pethu Mariappan, to the official respondents.

4. In this context, Mr.T.A.Ebenezer, learned counsel, who has filed an impleading petition and got impleaded one Rammanoharan claimed to be a Secretary of the petitioner's school management as third respondent, would submit that, pursuant to the impugned order dated 05.06.2020, which is in the nature of show-cause notice, consequential order for direct payment of salary to the teaching staff of the petitioner's school has been made by the official respondents vide proceedings, dated 25.06.2020. The said order dated 25.06.2020 has also been challenged by the very same petitioner i.e., School management represented by Pethu Mariappan in W.P(MD) No.7211 of 2020, where this Court has granted an interim order on 02.07.2020 to the following effect:-

"3.Since there are rival claims for the same post and there are rival proceedings that are pending, there shall be an order of interim stay of the impugned order as the impugned order results in eroding and dilution of the powers vested with the Secretary Mr.Pethu Mariyappan of the petitioner who is recognized as the Secretary of the petitioner by the second respondent vide letter dated 15.07.2019 for the period between 24.10.2018 and 23.10.2021. The interim stay shall operate till 31.07.2020.

4.Official respondents are directed to file their counter, if any. Post the matter on 03.08.2020.

Mr.T.A.Ebenezer, learned counsel, shall take steps to implead his client by then."

5. By making this submission, the learned counsel for the third respondent, who was impleaded as a party respondent in this writ petition, would further submit that, by virtue of the latest development where consequential order passed by the authorities since has been challenged in W.P(MD)No.7211 of 2020, where an interim order has also been given, virtually nothing survives in the first writ petition i.e., in W.P(MD)No.6853 of 2020 as the impugned order dated 05.06.2020, being the show-cause notice has now



been acted upon in the consequent impugned order dated 25.06.2020 which is impugned in the other writ petition i.e., W.P(MD)No.7211 of 2020.

6. I have heard the learned Special Government Pleader appearing for the respondents, who wants some time to file counter.

7. In view of the aforesaid facts and circumstances, this Court feels that nothing survives in this writ petition as the issue now raised and to be resolved is pertaining to the order subsequently passed by the official respondents dated 25.06.2020 which is a subject matter in W.P(MD)No.7211 of 2020.

8. In view of the above, this writ petition is hereby dismissed recording the aforesaid subsequent developments. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:

(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Chief Educational Officer,
Tuticorin District,
Tuticorin.

2.The Block Education Officer,
Vilathikulam,Tuticorin.

Order made in

W.P. (MD)No.6853 of 2020

Dated:**03.08.2020**

SMA/21/08/2020/3P/3C