



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2020

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.A(MD)No.1043 of 2020

and

W.M.P(MD)Nos.5709, 5724 and 5725 of 2020

S.Beaula Jasmine

... Appellant /Petitioner

Vs.

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

2.The District Educational Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Correspondent,
St.Andrew Girls Higher Secondary School,
Ramanathapuram,
Ramanathapuram District.

4.Bishop of CSI Madurai-Ramnad Diocese &
Manager of St.Andrews Girls Higher Secondary School,
Ramanathapuram, Diocesan Office,
No.162, East Veli Veedhi,
Madurai - 625 001.

... Respondents/Respondents

PRAYER: The Writ Appeal filed under Clause 15 of Letters Patents, to set aside the order passed by the Court in W.P(MD)No.13891 of 2013, dated 07.10.2020 and permit the petitioner to continue to work as B.T. Assistant (Science) in St. Andrews Higher Secondary School, Ramanathapuram or in any other Schools coming under the 4th respondent.

Prayer in WP(MD). 13891/ 2013 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records in Na.Ka.No.8662/A2/2012 dated 30.01.2013, on the file of the first respondent, quash the same and



to direct the first respondent to permit the petitioner to continue to work as B.T.Assistant (Science)Teacher in St.Andrews Girls Higher Secondary School, Ramanathapuram.

For Appellant

:Mr.C.Herold Singh

For Respondent
Nos.1 & 2

:Mrs.S.Srimathy,
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **N.KIRUBAKARAN, J.**]

This writ appeal has been filed to set aside the dismissal order, dated 07.10.2020, passed in the writ petition in W.P(MD) No.13891 of 2013, which was filed by the appellant/writ petitioner, seeking for a mandamus, to direct the respondents to permit the petitioner to continue to work as B.T.Assistant (Science) Teacher in St.Andrew Girls Higher Secondary School, Ramanathapuram.

2.Heard Mr.C.Herold Singh, learned Counsel appearing for the appellant and Mr.S.Srimathy, learned Special Government Pleader appearing for respondent Nos.1 and 2

3.The appellant, by proceedings of the Chief Educational Officer, Ramanathapuram, in Na.Ka.No.8662/B2/2012, dated 30.01.2013 was deployed to Saint. Josph Higher Secondary School, Muthupet. The order of deployment, dated 30.01.2013 was passed, on the basis of the inspection made by the Chief Educational Officer, Ramanathapuram, who found that there was surplus Teacher in the 3rd respondent School. However, the appellant instead of joining in the new place, has challenged the proceedings, dated 30.01.2013 of the Chief Educational Officer, Ramanathapuram in W.P(MD)No.13891 of 2013, which was dismissed by the learned Single Judge and challenging the dismissal order, this writ appeal is filed.

4.From the year 2013, the appellant has kept herself out of work, thinking that something magic will happen in the Court. The appellant has alleged that she was not permitted to join in the deputed place viz., the Saint. Josph Higher Secondary School, Muthupet. However, the appellant has deliberately not added the said school as party in these proceedings, which creates suspicion. Moreover, the appellant cannot insist that she can work only in the third respondent School, especially when she was found to be surplus by the Chief Educational Officer of the District.

5.The appellant cannot make allegations against a party, without adding the party as a party in the proceedings. Taking into consideration the non - joinder of necessary party to these



proceedings and the reasons assigned by the learned Single Judge in dismissing the writ petition, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

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To

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

2.The District Educational Officer,
Ramanathapuram,
Ramanathapuram District.

W.A(MD)No.1043 of 2020

02.12.2020

KM(CO)

NR (10/12/2020) 3P : 3C