



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

W.P(MD)No.11409 of 2014

and

M.P.(MD) .No.1 of 2014

M.Francisco Antony

.. Petitioner

Vs.

1.The Director of School Education,
College Road,
Chennai.

2.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

3.The District Education Officer,
Thuckalai Educational District,
Thuckalai,
Kanyakumari District.

4.The Superintendent,
Kottar and Colacher Vicariate RC Schools,
Assie Church Campus,
Nagercoil,
Kanyakumari District.

5.St. Mary's Higher Secondary School,
represented by the Correspondent,
Colachel,
Kanyakumari District.

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to fill up the post of P.G.Assistant in Zoology in the retirement vacancy of A.Rajammal who retired on 31.03.2014 only by promotion in accordance with Rule 15 of Tamil Nadu Recognized Private Schools Regulation Rules to avoid deployment of excess B.T. Assistants teachers (Science) working in the 5th respondent school by considering the representation dated 26.03.2014 and 10.06.2014 within a time frame.

For petitioner

: Mr.S.C.Herold Singh



For respondents 1 to 3 : Mr.S.Shanmugaselvan,
Special Government Pleader

For respondents 4 : Mr.Isaac Mohanlal,
Senior Counsel for
Mr.K.Ragatheeshkumar

WEB COPY

ORDER

When the matter is taken up for hearing today, learned counsel appearing for the petitioner sought permission of this Court to withdraw this Writ Petition and he also made an endorsement to that effect.

2. Learned senior counsel appearing for the respondents 4 & 5 submitted that suppressing the factum of appointment order issued to one Mr.Everistin Jose in the retirement vacancy of Ms.A.Rajammal and the same communicated to him, the petitioner has filed this writ petition and obtained an order of interim direction not to approve any other person in the post of P.G. Assistant in Zoology in the 5th respondent school other than him. Therefore, the said appointment has not been approved till date and the appointee has been working without any salary.

3. The learned counsel for the petitioner submitted that after receipt of the appointment order issued to the said person, he filed W.P.(MD).No.13745 of 2014 challenging the same. Therefore, this petition may be permitted to withdraw.

4. The act of the petitioner is condemnable. He is hereby warned not to do such an act in future. However, considering the fact that the petitioner has subsequently filed W.P.(MD).No.13745 of 2014, this Court is inclined to permit him to withdraw this petition. Accordingly, this Writ Petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Bala

To

1.The Director of School Education,
College Road, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Chief Educational Officer,
Nagercoil,Kanyakumari District.

3.The District Education Officer,
Thuckalai Educational District,
Thuckalai,
Kanyakumari District.

W.P (MD) No.11409 of 2014
28.01.2021

—
ES (CO)
KK (08.03.2021) 3P 4C