



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.A(MD)Nos.1456 and 1457 of 2019

and

C.M.P(MD)Nos.11778 and 11780 of 2019

W.A. (MD)No.1456 of 2019

1.Hussainiya Primary School,
represented by its Manager,
Jawaharlar Street,
Tirunelveli-627 006.

2.S.Reyasunnisa,
Manager,
Hussainiya Primary School,
Jawaharlal Street,
Tirunelveli-627 006.

... Appellants/Respondents 5 & 6

Vs.

1.B.Palanivelan

...1st Respondent/Writ Petitioner

2.The Government of Tamil Nadu,
represented by its Principal Secretary,
Department of School Education,
Fort St.George, Secretariat,
Chennai-600 009.

3.The Director of Elementary Education,
D.P.I.Campus, College Road,
Nungambakkam, Chennai-600 006.

4.The District Educational Officer,
Tirunelveli,
Tirunelveli District.

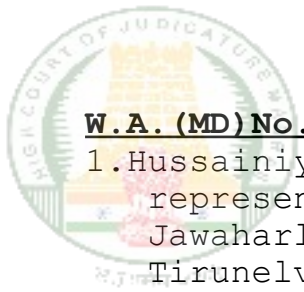
5.The Block Development Officer,
Tirunelveli - Urban Range,
Tirunelveli District.

..Respondents 2 to 5/Respondents 1 to 4

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.(MD)No.20870 of 2019, dated 01.11.2019.

Prayer in WP(MD)No.20870 of 2019

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 5th respondent from preventing the petitioners from discharging the petitioners' duties as Secondary Grade Teacher in the 5th respondent School.



W.A. (MD)No.1457 of 2019

1.Hussainiya Primary School,
represented by its Manager,
Jawaharlal Street,
Tirunelveli-627 006.

2.S.Reyasunnisa,
Manager,
Hussainiya Primary School,
Jawaharlal Street,
Tirunelveli-627 006.

... Appellants/Respondents 5 & 6
Vs.

1.T.Rathikumari

...1st Respondent / Writ Petitioner

2.The Government of Tamil Nadu,
represented by its Principal Secretary,
Department of School Education,
Fort St.George, Secretariat,
Chennai-600 009.

3.The Director of Elementary Education,
D.P.I.Campus, College Road,
Nungambakkam, Chennai-600 006.

4.The District Educational Officer,
Tirunelveli,
Tirunelveli District.

5.The Block Development Officer,
Tirunelveli - Urban Range,
Tirunelveli District.

..Respondents 2 to 5/Respondents 1 to 4

Prayer : Appeal filed under Clause 15 of the Letters Patent, against
the order passed by this Court in W.P.(MD)No.20873 of 2019, dated
01.11.2019.

Prayer in WP(MD)No.20873 of 2019

Writ Petition filed under Article 226 of the Constitution of
India for issuance of Writ of Mandamus, forbearing the 5th respondent
from preventing the petitioners from discharging the petitioners'
duties as Secondary Grade Teacher in the 5th respondent School

For Appellants

in both appeals

For Respondents

in both appeals

: Mr.T.S.Mohamed Mohideen

: Mrs.S.Srimathy

Special Government Pleader
for R.2 to R.5

: Mr.R.Subramanian for R1 in
both Appeals



COMMON JUDGMENT

[Judgment of the Court was delivered by **M.DURAISWAMY, J.**]

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Challenging the common order passed in W.P.(MD)Nos.20870 and 20873 of 2019, the School Management has filed the above writ appeals.

2. The first respondent in both the writ appeals have filed the writ petitions to issue writs of mandamus forbearing the fifth respondent from preventing the petitioners from discharging the petitioners' duties as Secondary Grade Teacher in the fifth respondent School.

3. When the writ petitions were taken up for hearing before the learned Single Judge, based on the submissions made by the learned Counsel appearing for the petitioners on 18.10.2019 for withdrawing the allegations made in paragraph No.3 of the affidavit filed in support of the writ petitions and also taking into consideration the submission made by the learned Counsel for the petitioners that the writ petitioners are working in the appellant's School and there was no disturbance caused to them, further recording the averments made in the counter affidavit of the appellants School to the effect that the averments made against the appellant is nothing but a cooked up story and the writ petitioners were not prevented by the appellants School, the writ petitions were closed.

4. On a reading of the order passed by the learned Single Judge, it is clear that the learned Single Judge has not given any finding adverse to the appellants. On the contrary, the writ petitioners themselves have withdrawn the averments made in paragraph No.3 of the affidavit filed in support of the writ petitions. When there is no adverse order passed in the writ petitions against the appellants, we do not find any ground to interfere with the same. Accordingly, the Writ Appeals are closed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CO)

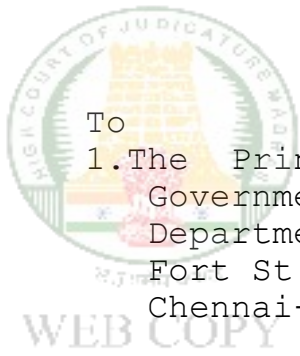
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Sub Assistant Registrar(CS)

SSL

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To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Director of Elementary Education,
D.P.I.Campus, College Road,
Nungambakkam, Chennai-600 006.
- 3.The District Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The Block Development Officer,
Tirunelveli - Urban Range,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-2152[F] dated 21/01/2020)

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-2027[F] dated 20/01/2020)

+2 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-2002, 2003)

W.A(MD)Nos.1456 and 1457 of 2019

20.01.2020

SMA/03/02/2020/4P/9C