

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.01.2021
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P.No.29996 of 2014
and M.P.No.1 of 2014

D.Deepa Rajakumari

... Petitioner

Vs.

1. The Chief Educational Officer,
Office of the Chief Educational Officer,
Erode.
 2. The District Educational Officer,
Erode.
 3. The Bishop,
C.S.I. Coimbatore Diocese,
256, Race Course Road, Coimbatore - 641 018.
 4. The Correspondent,
C.S.I.Higher Secondary School for Girls,
Erode 638 001.
 5. Mercy Kiruba,
P.G. Teacher (Chemistry)
C.S.I. Higher Secondary School for Girls,
Erode - 638 001.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to cancel the appointment of the fifth respondent and appoint the petitioner as P.G. Assistant (Chemistry) in the fourth respondent school according to the registration of candidates seniority list maintained by the Management and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan,
M/s.C.S.Associates

For Respondents : Mr.A.Rajaperumal - R1 & R2
Mr.A.Immanuavel - R4
Mr.J.Winny - R5

ORDER

The prayer made in this writ petition is to direct the respondents to cancel the appointment of the fifth respondent and appoint the petitioner as P.G. Assistant (Chemistry) in the fourth respondent school, according to the seniority list maintained by the Management and confer all the consequential benefits to the petitioner.

2. Upon notice, the respondents 1 & 2 filed a detailed counter affidavit, inter alia stating that the Correspondent of the CSI Higher Secondary School for Girls, Erode/fourth respondent appointed the fifth respondent viz., Mercy Kirupa as PG Asst. in the vacant post on 04.09.2014A.N and sent a proposal seeking approval of the said appointment to the District Educational Officer, Erode; after scrutinizing the said proposal, the District Educational Officer, Erode by his proceedings in D.Dis No.6201/A3/2014 dated 16.09.2014, approved the said appointment; and hence, there is no violation in the appointment of the fifth respondent as the same is in accordance with law. It is further stated therein that the respondent authorities have no right to appoint any person in the minority institution and the same vests with the fourth respondent.

3. The fourth respondent in his counter affidavit has stated that the appointment of fifth respondent was approved by the respondents 1 and 2 and hence, the writ petition has become infructuous.

4. In the light of the averments made in the counter affidavits filed by the respective respondents, this Court is of the opinion that nothing survives for adjudication in this writ petition.

5. At this stage, the learned counsel for the petitioner submitted that the petitioner may be granted liberty to challenge the appointment order given to the fifth respondent.

6. Granting such liberty to the petitioner, this writ petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vrc

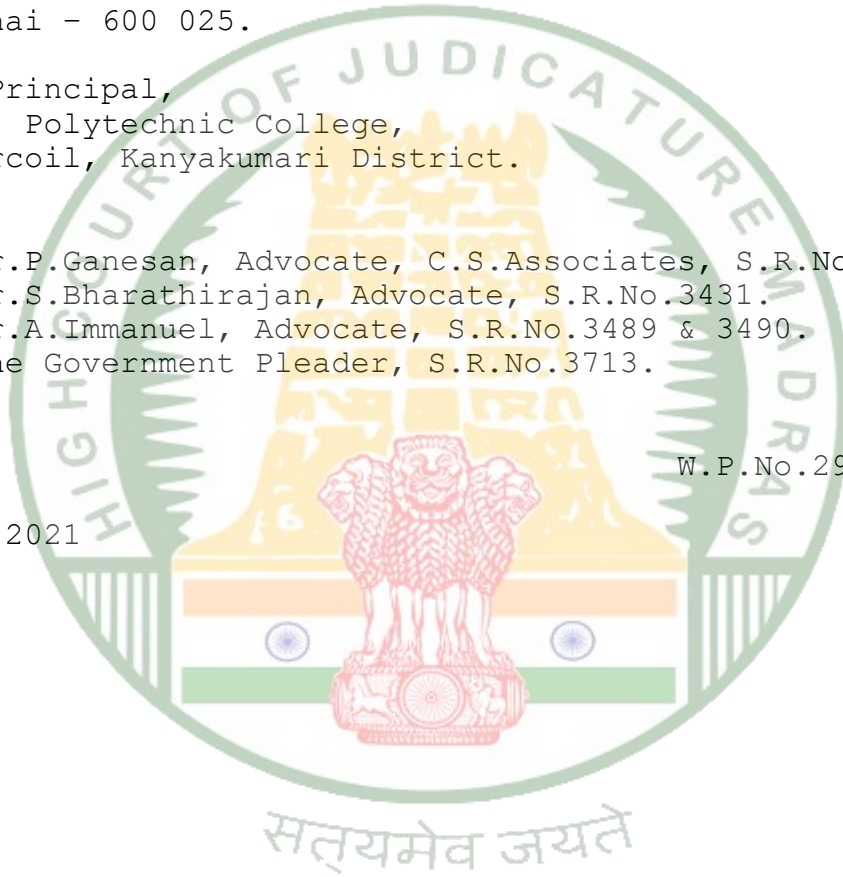
To

1. The Principal Secretary to Government of Tamilnadu,
Department of Higher Education, Chief Secretariat,
Chennai - 600 009.
2. The Commissioner of Technical Education,
Chennai - 600 025.
3. The Director of Technical Education,
Chennai - 600 025.
4. The Principal,
Govt. Polytechnic College,
Nagercoil, Kanyakumari District.

+1cc to Mr.P.Ganesan, Advocate, C.S.Associates, S.R.No.3330.
+1cc to Mr.S.Bharathirajan, Advocate, S.R.No.3431.
+2cc to Mr.A.Immanuel, Advocate, S.R.No.3489 & 3490.
+1cc to the Government Pleader, S.R.No.3713.

PL(CO)
CSR 23.03.2021

W.P.No.29996 of 2014



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