



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)No.1051 of 2012

and

M.P(MD)No.1 of 2012

A.Jayapaul Mohan

... Appellant/Petitioner

Vs.

1.The Director of School Education,
Chennai - 6.

2.The Chief Educational Officer,
Virudhunagar, Virudhunagar District.

3.The District Educational Officer,
Virudhunagar,
Virudhunagar District.

4.Secretary,
Perunthalaivar Kamarajar Higher
Secondary School,
Mennakshipuram - 626 139,
Virudhunagar District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 20.09.2010 made in W.P(MD)No.10650 of 2007 on the file of this Court.

Prayer in WP(MD). 10650/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified mandamus, calling for the records pertaining to the order passed by the 4th respondnet in his proceedings No. 1943/2006 dated 09/10/2006 confirming the order in No. Nil dated 25/03/1996 and quashes the same and direct the respondents to reinstate the petitioner in service as Secondary Grade Teacher with continuity of service and confer all the consequential benefits.



For Appellant : Mr.F.Deepak
For RR 1 to 3 : Mrs.Srimathy,
Special Government Pleader.
For R - 4 : Mr.M.Jothi Basu

WEB COPY

JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

The Writ Appeal is directed against the order passed by the learned Single Judge in W.P(MD)No.10650 of 2007, dated 20.09.2010.

2.The Writ appellant had originally filed the said Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent in proceedings, dated 09.10.2006 and to quash the same and directing the respondents to reinstate the writ appellant into service as Secondary Grade Teacher with continuity of service.

3.The writ appellant seems to have produced the Teacher Training Certificate obtained from the Karnataka Secondary Education Examination Board and the same was found to be not genuine, as he had not passed the examination held in April, 1980. Therefore, the School Management, namely the fourth respondent, had terminated the service of the writ appellant on 25.03.1996. The said order was challenged before this Court in W.P.No.4374 of 1996 and this Court, set aside the order of termination on the ground of violation of principles of natural justice. Aggrieved by the said order passed in the said Writ Petition, the School Management had filed W.A.No.3606 of 2002 and the Division Bench of this Court also confirmed the order of the learned Single Judge and directed the Management to conduct an enquiry within a period of twelve weeks.

4.In the enquiry conducted by the authority, the writ appellant had not participated, despite several opportunities being granted. Since the writ appellant had not co-operated in attending the enquiry, the authority have rightly terminated the writ appellant.

5.The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that in similar Writ Appeals, earlier the Division Bench of this Court had allowed the Writ Appeals, which was filed by the State, holding that the similarly placed persons as that of the writ appellant did not qualify themselves for appearing the examination and also for the practical examination.

<https://hcservices.courts.gov.in/hcservices> 6.When the matter is taken up for hearing today, the learned



counsel appearing for the writ appellant would submit that the writ appellant himself is no more.

7. In the light of the above, the Writ Appeal is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ps

Note :

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 Director of School Education,
Chennai - 6.

2. The Chief Educational Officer,
Virudhunagar, Virudhunagar District.

3. The District Educational Officer,
Virudhunagar, Virudhunagar District.

+1 CC to Mr.F.DEEPAK, Advocate (SR-7790[F] dated 01/03/2021)

+1 CC to Mr.M.Jothi Basu, Advocate (SR-7936[F] dated 01/03/2021)

+1 CC to SPL GP (SR-8440[F] dated 03/03/2021)

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KM (15.03.2021) 3P 7C