



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W. P. (MD) No. 16431 of 2013
and M.P (MD) Nos.1 of 2014
and M.P (MD) Nos.2 of 2013

WEB COPY

M.K.Mohamed Yousuf,
Headmaster,
CMS Evangelical Suvi David Memorial
Higher Secondary School,
Karisal, Ambasamuthram Taluk,
Tirunelveli District.

... Petitioner

-vs-

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

2.The District Educational Officer,
Cheranmadevi at Tirunelveli,
Tirunelveli District.

3.The CMS Evangelical Suvi David Memorial
Higher Secondary School
Rep by its Correspondent
Karisal, Ambasamuthram Taluk,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records relating to the impugned proceedings issued by the Second Respondent herein in Na. Ka. No. 3433-A3/2012 dated 17.06.2013 cancelling the approval granted for the Petitioner's promotion as Headmaster in Mu. No. 1246/A3/2013 dated 19.04.2013 and quash the same.

For Petitioner	:	Mr. E. V. N. Siva
For R3	:	Mr. V. Panneerselvam for M/s. C. S. Associates
For R1 and R2	:	Mr. D. Gandhiraj Government Advocate

ORDER
(through video conference)

Heard Mr. E.V.N. Siva, Learned Counsel for the Petitioner,
Mr. D. Gandhiraj, Learned Counsel representing the First and Second
Respondents and Mr. V. Panneerselvam, Learned Counsel for the Third

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Respondent, and perused the materials placed on record, apart from the pleadings of the parties..

2. The promotion of the Petitioner as Headmaster of the school of the Third Respondent in the order dated 14.08.2012 had been approved by proceedings in Mu. Mu. No. 1246/A3/2013 dated 19.04.2013 by the Second Respondent. However, the Second Respondent by further proceedings in Na. Ka. No. 3433-A3/2012 dated 17.06.2013 cancelled the said order of approval, which is assailed in this Writ Petition.

3. The only reason stated in the impugned order for such cancellation of approval granted is that the appointment of the Correspondent of the school of the Third Respondent has been cancelled pursuant to the orders of the interim stay passed by this Court in W.P. (MD). Nos.12531 and 14532 of 2012 challenging the appointment of the said Correspondent. It has been brought to notice that the said Writ Petitions in W.P. (MD) Nos. 12531 and 14532 of 2012 have been closed by order dated 10.11.2017 passed by this Court after recording that appeals against the orders impugned in those Writ Petitions are pending. When the orders of interim stay in those Writ Petitions have now ceased to exist, the cancellation of approval of the promotion of the Petitioner in the orders impugned in this Writ Petition relying upon those orders, cannot be sustained and as such it stands set aside. However, this would not preclude the concerned authorities to take such other further action required in the matter following the prescribed procedure in accordance with law.

In the result, the Writ Petition is ordered on the aforesaid terms. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

2.The District Educational Officer,
Cheranmadevi at Tirunelveli,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-20745[F] dated 30/06/2021)

W. P. (MD) No. 16431 of 2013
and M.P (MD) Nos.1 of 2014
and M.P (MD) Nos.2 of 2013
29.06.2021

MJ(CO)
TR(12.07.2021) 3P 4C