



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5243 of 2021

and

W.M.P (MD) Nos.4198 and 4201 of 2021

WEB COPY

S.Ashok

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

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

3.District Educational Officer,
Theni District, Theni.

4.Secretary,
Z.K.M.Higher Secondary School,
Bodinayakanur,
Theni District-625 513.

5.P.Gopi
Physical Education Director (Grade-I),
Z.K.M.Higher Secondary School,
Bodinayakanur,
Theni District-625 513.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records on the file of the fourth respondent in connection with the impugned order of appointment issued to the fifth respondent in proceedings Nil dated Nil and consequential approval order granted by the second respondent in his proceedings in Ne.Mu.No.5722/A1/2020, dated 25.01.2021 and quash the both being contrary to G.O.Ms.No.165, School Education (Thoka.2(1)ith) Department dated 17.09.2019.

For Petitioner

: Mr.G.Thalaimutharasu

For R-1 to R-3

: Mr.N.Shamugaselvam

Additional Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3.



2.The petitioner herein is an aspirant to the post of Physical Education Director (Grade-I) and he claimed to have participated in the selection process, pursuant to the notification issued by the fourth respondent herein in the year 2019.

3.Admittedly, the petitioner herein was not selected in the selection process, which statement is referred in his affidavit also. The petitioner is now challenging the order of the second respondent herein approving the fifth respondent's appointment as Physical Education Director (Grade-I) and I am unable to see as to the prejudice that could be caused to the petitioner herein, who had admitted that he was not selected in the earlier selection process and who is not an applicant in any further selection process also. Incidentally, the fifth respondent herein was originally appointed on 09.09.2019 and through the impugned order of the second respondent, his appointment was approved. Such an approval cannot give any rise for a cause of action to the petitioner herein to challenge the same. In the affidavit filed by the petitioner, he has indicated that the fifth respondent herein is an interested member of the fourth respondent School. Apparently, a complaint on a third party, who comments on the alleged relationship of the fifth and fourth respondents seems to be motivated. Apart from, having no locus to file the writ petition, filing of this writ petition itself seems to be with an ulterior motive.

4.For all the aforesaid reasons, I do not find any reasons absolutely to entertain the present writ petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// 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 Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.

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



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

3.District Educational Officer,
Theni District, Theni.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-10395[F] dated
11/03/2021)

+1 CC to M/s.SPL GP (SR-10940[F] dated 12/03/2021)

W.P. (MD) No.5243 of 2021
10.03.2021

SSS(CO)

RK(23.04.2021) 3P 6C