



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Eighth day of September Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
W.M.P.(MD)Nos.5476 of 2021 and 4484 of 2020
in

W.P.(MD)No.5137 of 2020

W.M.P.(MD)NO.5476 of 2021

S.MANIMARAN

... PETITIONER/RESPONDENT NO.5

Vs

1 R.AMUDHA

...WRIT PETITIONER/RESPONDENT NO.1

2 THE DIRECTOR OF SCHOOL EDUCATION,
O/O. THE CHIEF EDUCATIONAL OFFICER,
DPI CAMPUS, CHENNAI -6.

3 THE CHIEF EDUCATIONAL OFFICER
O/O. THE CHIEF EDUCATIONAL OFFICER,
VIRUDHUNAGAR TOWN, VIRUDHUNAGAR DISTRICT.

4 THE DISTRICT EDUCATIONAL OFFICER,
O/O. THE DISTRICT EDUCATIONAL OFFICER,
ARUPPUKOTTAI TOWN, VIRUDHUNAGAR DISTRICT.

5 THE DEVANGAR HIGHER SECONDARY SCHOOL,
REP BY ITS SECRETARY, ARUPPUKOTTAI TOWN-626 101,
VIRUDHUNAGAR DISTRICT ... RESPONDENTS/ RESPONDENTS

PRAYER IN W.M.P.(MD)No.5476 of 2021

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Vacate the interim Stay granted by this Honble Court in WP(MD). No.5137 of 2020 dated 11.03.2020.

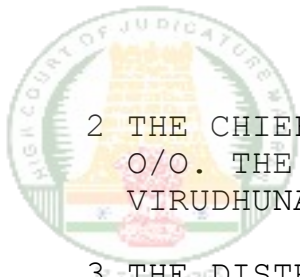
W.M.P.(MD)No.4484 of 2020

1 R.AMUDHA

...PETITIONER/PETITIONER

- Vs. -

1 THE DIRECTOR OF SCHOOL EDUCATION,
O/O. THE CHIEF EDUCATIONAL OFFICER,
DPI CAMPUS, CHENNAI -6.



2 THE CHIEF EDUCATIONAL OFFICER
O/O. THE CHIEF EDUCATIONAL OFFICER,
VIRUDHUNAGAR TOWN, VIRUDHUNAGAR DISTRICT.

3 THE DISTRICT EDUCATIONAL OFFICER,
O/O. THE DISTRICT EDUCATIONAL OFFICER,
ARUPPUKOTTAI TOWN, VIRUDHUNAGAR DISTRICT.

4 THE DEVANGAR HIGHER SECONDARY SCHOOL,
REP BY ITS SECRETARY, ARUPPUKOTTAI
TOWN-626 101, VIRUDHUNAGAR DISTRICT

5.S.MANIMARAN

...RESPONDENTS/RESPONDENTS

Prayer in WMP(MD). 4484 of 2020 :

To stay all further proceedings of the impugned order in Na.Ka.No.1161/E1/2020 dated 20.02.2020 on the file of the 2nd respondent, pending disposal of the above WP.

Prayer in WP(MD). 5137 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court pleased to issue a writ of certiorarifi calling for the records pertaining to the impugned order made in na.Ka.NO.1161/E1/2020 dated 20.2.2020 on the file of the 2nd respondent and quash the same as illegal and arbitrary.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of MR.LAJAPATHI ROY.T, Advocate for the petitioner IN W.M.P.(MD)NO.5476 of 2021, and the 5th Respondents IN W.M.P.(MD)No.4484 of 2020 and MR.SENGOTTUVEL, Advocate for MR.K.CHELLADURAI, Advocate for the petitioner IN W.M.P.(MD)No.4484 of 2020 and the 1st Respondent IN W.M.P.(MD)NO.5476 of 2021, MR.S.SHANMUGAVEL, Standing counsel for State for the Respondents 2 to 4 IN W.M.P.(MD)NO.5476 of 2021 and the Respondents 1 to 3 IN W.M.P.(MD)No.4484 of 2020 the court made the following order:-

This petition has been filed to vacate the interim stay granted by this Court in W.M.P.((MD)No.4484 of 2020 in W.P.(MD) No.5137 of 2020, dated 11.03.2020.

2. According to the petitioner/fifth respondent, the Writ Petitioner has filed the Writ Petition challenging the impugned order passed by the second respondent dated 20.02.2020, wherein the appointment of the petitioner/fifth respondent to the post of P.G.Assistant was approved. The Writ Petitioner has challenged the said impugned order, mainly on the ground that the petitioner has filed a Review Application in Rev.Apl(MD)SR.No.84050 of 2019 on 29.07.2019 before the Division Bench of this Court and the same is pending.



3. The learned counsel appearing for the petitioner/fifth respondent submitted that the petitioner/fifth respondent has already promoted and continued to work in the fourth respondent School, but the fourth respondent school has not disbursed the salary from the date of his promotion.

4. In the impugned order, it is stated that the appointment of approval is subject to the final order passed by this Court.

5. When the Writ Petition came up for admission on 11.03.2020, this court has granted interim stay only for the limited period viz., till 08.04.2020. Thereafter, the said interim order was not extended.

6. Considering the fact that the interim order was granted till 08.04.2020 and the same was not extended thereafter, this Court is inclined to allow this vacate stay petition.

7. Accordingly, the vacate stay petition in W.M.P.(MD) No.5476 of 2021 is allowed, but subject to the outcome of the order passed in the review application in Rev.Apl(MD)SR.No.84050 of 2019. Consequently, the stay petition in W.M.P.(MD)No.4484 of 2020 is dismissed.

8. Post the main writ petition after four weeks.

Sd/-

08/09/2021

/ TRUE COPY /

/ /2021

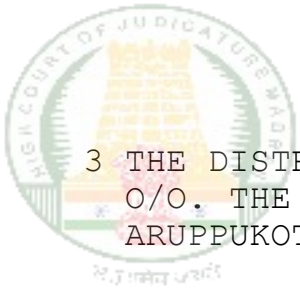
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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,
O/O. THE CHIEF EDUCATIONAL OFFICER,
DPI CAMPUS, CHENNAI -6.

2 THE CHIEF EDUCATIONAL OFFICER
O/O. THE CHIEF EDUCATIONAL OFFICER,
VIRUDHUNAGAR TOWN, VIRUDHUNAGAR DISTRICT.



3 THE DISTRICT EDUCATIONAL OFFICER,
O/O. THE DISTRICT EDUCATIONAL OFFICER,
ARUPPUKOTTAI TOWN, VIRUDHUNAGAR DISTRICT.

WEB COPY

ORDER

IN

W.M.P. (MD) Nos.5476 of 2021
and 4484 of 2020

in

W.P. (MD) No.5137 of 2020

Date :08/09/2021

VB/JM/SAR.III/15.09.2021/4P/4C