



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.11.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.1242 of 2018

and

W.M.P. (MD)No.1327 & 3469 of 2018

WEB COPY

A.Rafeek Ahmad

...Petitioner

/Vs./

1.The Chief Educational Officer,
Tirunelveli District.

2.The Correspondent,
Rahmania Higher Secondary School,
Melapalayam,
Tirunelveli District.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.No.7510/A2/2017 dated 27.12.2017 and quash the same.

For Petitioner

: Mr.V.Panneer Selvam

For R1

: Mr.D.Sadiq Raja

Additional Government Pleader

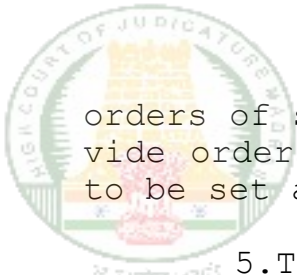
ORDER

The petitioner was appointed as BT Assistant for the subject of Science in Rahmania Higher Secondary School, Melapalayam/R2 on 01.06.2016 and his appointment was also approved by the Chief Educational Officer/R1.

2.While so, an order had come to be passed on 27.12.2017 to the effect that the petitioner's post was surplus and he was hence transferred to Nadar Committee Higher Secondary School at Ramanathapuram. The petitioner continues in R2 School, on the strength of an interim order passed by this Court on 23.01.2018.

3.Written instructions in Na.Ka.No.787/A4/2018, dated 20.11.2021 are placed before me, to the effect that in the subsequent order, the post in question was found to be a necessary post and hence, the petitioner's continuance in the said post is to be accepted.

4.Recording the same and since the post of the petitioner has been found to be a necessary post and in view of the subsequent



orders of staff fixation for the academic years 2018-19 and 2019-20, vide orders dated 28.02.2019 and 02.09.2020, the impugned order has to be set aside and I do so.

5. Though the petitioner would state that the impugned order is in itself incorrect, since there were sufficient students to justify his continuance, I see no need to dwell upon this issue, in view of the events that have been transpired thereafter. This Writ Petition is thus allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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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.

+1 CC to M/s.SPL GP (SR-36497[F] dated 30/11/2021)

+1 CC to M/s.V.PANNEERSELAVM, Advocate (SR-36852[F] dated 01/12/2021)

Order made in
W.P. (MD) No. 1242 of 2018
Dated:
29.11.2021

nsn(CO)

TR(05.01.2022) 2P 4C