



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6016 of 2018
and W.M.P. (MD).No.5885 of 2018

A.Amanullah

...Petitioner

Vs.

1.The District Elementary Educational Officer,
Palani Road, Dindigul.

2.The Mathanisha Muslim Primary School,
Palani, Dindigul,
Rep. by its Correspondent.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned demotion order dated 28.02.2011 and the termination order dated 21.05.2011 passed by the 2nd respondent and quash the same as illegal and consequently, direct the respondents to reinstate the petitioner in the 2nd respondent school as Head Master with back wages and all other monetary and attendant benefits within a period that may be stipulated by this Court.

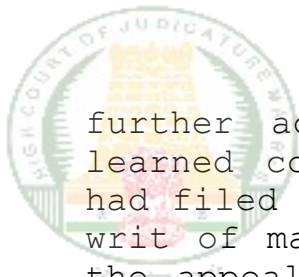
For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.N.Shanmugaselvam for R1
Additional Government Pleader
Ms.A.Ajimath Begam for R2

O R D E R

Heard Mr.M.Jerin Mathew, learned counsel for the petitioner, Mr.N.Shanmuga Selvam, learned counsel for the first respondent and Ms.A.Ajimath Begam, learned counsel for the second respondent.

2.The petitioner was demoted on 28.02.2011 and subsequently terminated from services on 21.05.2011. Challenging both the orders, the petitioner herein filed appeals before the Joint Director of Elementary Education, on 15.06.2011 and 16.06.2011, which are claimed to be pending. Earlier, the petitioner herein had challenged the demotion order dated 28.02.2011 before this Court in W.P.(MD).No.2831 of 2011, which came to be closed on 14.02.2018, by observing that since the petitioner had preferred an appeal before the Joint Director of Elementary Education, no



further adjudication in the writ petition was required. The learned counsel for the petitioner claims that subsequently, he had filed a writ petition in W.P.(MD).No.5348 of 2018, seeking for writ of mandamus to direct the Appellate Authority to dispose of the appeal expeditiously. In that writ petition, an order dated 14.03.2018 came to be passed, wherein the petitioner was granted liberty to challenge the termination order. Invoking the liberty, the present writ petition has been filed.

3.It is not in dispute that the petitioner filed an appeal before the Joint Director of Elementary Education and simultaneously, filed the present writ petition also. Apparently, the grounds raised before the Appellate Authority as well as in this writ petition could be one and the same. It would not be permissible for this Court, to adjudicate the issue, in which the petitioner has already invoked the statutory remedy of appeal and the same is also pending. Nevertheless, if the petitioner's appeal petition is directed to be disposed of within a time limit, the ends of justice could be secured.

4.In the light of the above observations, this writ petition stands closed, with the direction to the Joint Director of Elementary Education, to dispose of the petitioner's appeal, dated 15.06.2011 and 16.06.2011, if not already disposed of, within a period of three months from the date of receipt of a copy of this order. The Appellate Authority shall follow the principles of natural justice, while disposing of the appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Joint Director of Elementary Education,
College Road, Chennai.

2. The District Elementary Educational Officer,
Palani Road, Dindigul.

+1 CC to M/s.M.E.ILANGO, Advocate (SR-2756[F] dated 02/02/2021)

W.P. (MD) No.6016 of 2018

01.02.2021

ES (CO)

TR(12.02.2021) 3P 4C