



W.A. (MD) Nos. 716 to 719 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2021

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THE HONOURABLE MR. JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS. JUSTICE S. ANANTHI

W.A. (MD) Nos. 716 to 719 of 2018

and C.M.P. (MD) Nos. 4188, 4189, 4190 & 4191 and 4192 & 4193 of 2018

1. The Secretary and Manager,
Concordia High/Higer Secondary Schools,
Lutheran Primary and Middle Schools,
M.E.L.I.M. Primary Schools,
No.14/72, Lutheran Street,
Valliyoore - 627 117,
Tirunelveli District.

2. The Correspondent,
Concordia Higher Secondary Schools,
Vadakkankulam,
Radhapuram Taluk,
Tirunelveli District.

... Appellants/Respondents 2 & 3
in all the Writ Appeals

Vs.

Grace Selin Rani

... 1st Respondent/ Petitioner
in W.A. (MD) No. 716 of 2018

S. Anitha Jasmine

... 1st Respondent/ Petitioner
in W.A. (MD) No. 717 of 2018

M. Mariya Theres

... 1st Respondent/ Petitioner
in W.A. (MD) No. 718 of 2018

I. Tracy

... 1st Respondent/ Petitioner
in W.A. (MD) No. 719 of 2018

2. The District Educational Officer,
Cheranmahadevi,
Office at S.N. High Road,
Tirunelveli.

3. K. Baul Sundar,
S/O. Karuthudaiyan,
General Secretary - Indian
Evangelical Lutheran Church,
No. 321, Lutheran Mission Compound,
K.P. Road, Nagercoil - 629 001.
Kanyakumari District.

... Respondents 2 & 3/Respondents
1 & 4 in all the Writ Appeals



Common Prayer : Appeals filed under Clause 15 of the Letters Patent against the common order passed by this Court in W.P.(MD) Nos.17404 to 17407 of 2015, dated 05.03.2018.

Prayer in WP(MD). 17404/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1st respondent to accept the letter dated 03.08.2015 which was given by the 2nd and 3rd respondents in connection with the approval of the petitioner s promotion to the post of Head Mistress at the 3rd Respondents School.

Prayer in WP(MD). 17405/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to accept the letter dated 03.08.2015 which was given by the 2nd and 3rd Respondents in connection with the approval of the petitioners appointment of P.G. Assistant (Commerce) at the 3rd Respondents school and pass orders thereupon within a stipulated period as prescribed by this Hon'ble Court.

Prayer in WP(MD). 17406/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1st respondent to accept the letter dated 03.08.2015 which was given by the 2nd and 3rd respondents in connection with the approval of the petitioner s appointment of P.G. Assistant (Tamil) at the 3rd respondents school.

Prayer in WP(MD). 17407/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1st respondent to accept the letter dated 03.08.2015 which was given by the 3rd respondent in connection with the approval of the petitioner s appointment of P.G. Assistant (Zoology) at the 3rd Respondents School.

For Appellants in all the : Mr.P.V.Sudakar
Writ Appeals

For Respondent No.1 in all : Mr.G.Prabhu Rajadurai
the Writ Appeals

For Respondent No.2 in all : Mr.R.Baskaran
the Writ Appeals Standing Counsel for Government



J U D G M E N T

(Judgment of the Court was delivered by T. S. SIVAGNANAM, J.)

These Writ Appeals have been filed by Respondent Nos. 2 and 3 in W.P. (MD) Nos. 17404 to 17407 of 2015. The Writ Petitions stand disposed of by directing the second respondent herein to consider the proposals sent by the Correspondent of the School, which according to the appellants is not a rightful person.

2. There has been a dispute between the persons, who were holding various posts in the Educational Agency as well as in the Trust and several cases had been filed and ultimately, the Principal Bench had found that fraud had been committed not only by the persons who were in various posts in the Association but also some of the learned counsels, who appeared for the parties and therefore, thought it fit to appoint a retired Hon'ble Judge of this Court as an Administrator.

3. It is not in dispute that the appellants are no longer the Secretary and Manager of the School nor the Correspondent of the School and they have been removed from Office by this Court. Therefore, the appellants cannot pursue these appeals before us. Therefore, it is suffice to dismiss these appeals filed by the appellants.

4. The first respondent/Writ Petitioners are teachers. According to the appellants, all of them were appointed by illegal and incompetent body and therefore, no direction could be issued to consider the proposal for approval of appointments. According to the learned counsel for the first respondent/writ petitioners what was called in question is the promotions but not the appointments.

5. In any event, the appellants cannot prosecute these appeals as they no longer hold the post of the Secretary or Manager or Correspondent of the School. Hence, these Writ Appeals are dismissed and all the issues are left open. If the first respondent in these Writ Appeals/writ petitioners have any grievance, they are at liberty to approach the Hon'ble Administrator to redress the same. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// 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

The District Educational Officer,
Cheranmahadevi,
Office at S.N.High Road,
Tirunelveli.

+1 CC to MR.G.PRABHU RAJA DURAI, Advocate (SR-20981[F] dated 02/07/2021)

+1 CC to MR.T.PON RAMKUMAR, Advocate (SR-20983 [F] dated 02/07/2021)

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01.07.2021

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