



W.A.(MD).No.685 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.685 of 2020

and

C.M.P.(MD)No.4125 of 2020

1.The Director of School Education,
College Road, Chennai-600 006.

2.The District Elementary Educational Officer,
Ramanathapuram, Ramanathapuram District.

3.The Additional Assistant Elementary Educational Officer,
Kadaladi-623 703, Ramanathapuram.

.. Appellants

Vs.

The Correspondent,
RC Middle School,
Mokkaiyur-623 120, Ramanathapuram District.

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 22.03.2019 made in W.P.(MD).No.2367 of 2018 on the file of this Court.



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W.A.(MD).No.685 of 2020

For Appellants : Mr.D.Sadiq Raja,
Additional Government Pleader
For Respondent : M/s.A.Amala

JUDGMENT

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM,J.**)

This Writ Appeal has been filed against the order dated 22.03.2019 passed in W.P.(MD)No.2367 of 2018.

2.It is not in dispute that the said order was subjected to Rev.Aplc. (MD)No.32 of 2020. The learned Single Judge passed final orders in the review application on 26.04.2021, which reads as under:-

“16.In the ultimate analayis, the order dated 22.03.2019 passed in W.P.(MD)No.2367 of 2018 is reviewed in the following terms:

(i)the orders impugned in the writ petition are set aside and the matter is remanded back to the concerned respondents for passing appropriate orders, as observed in paragraph 15 of this order and also in the light of the orders of this Court in W.P.(MD)No.12525 of 2011, dated 21.03.2012 and W.P.(MD)No.1352 of 2015, dated 11.04.2018 (cited supra).



(ii)Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.”

3.Pursuant to the order passed in the review application, the State preferred a Writ Appeal, which is yet to be numbered. However, the learned Additional Government Pleader appearing for the appellants states that condone delay petition is numbered. Meanwhile, the District Educational Officer, Paramakudi passed an order in proceedings dated 06.11.2023.

4.The learned Additional Government Pleader raised several grounds even against the order passed in the review application. However, the learned Single Judge in the review order was pleased to set aside the impugned order in the Writ proceedings and remanded the matter back to the concerned respondent for passing appropriate orders as observed in paragraph No.15 and also in the light of the orders of this Court dated 21.03.2012 passed in W.P.(MD)No.12525 of 2011 and dated 11.04.2018 passed in W.P.(MD)No.1352 of 2015.

5.In view of the above, we are of the considered opinion that since the order, which is impugned in the Writ Appeal, dated 22.03.2019, has already been



W.A.(MD).No.685 of 2020

reviewed, this Writ Appeal has become infructuous. As far as the subsequent proceedings issued by the District Educational Officer, Paramakudi, dated 06.11.2023 is concerned, the authorities competent are at liberty to consider all the issues afresh de-hors the order dated 06.11.2023 and pass a fresh order on merits and in accordance with law by considering the factual position prevailed and prevailing in the respondent School.

6. With the above observations, this Writ Appeal is disposed of as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) & (V.L.N.,J.)

11.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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W.A.(MD).No.685 of 2020

S.M.SUBRAMANIAM,J.

and

V.LAKSHMINARAYANAN,J.

Yuva

W.A.(MD)No.685 of 2020

11.12.2023