



W.P.(MD)Nos.3974 & 3976 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.3974 of 2020
and
W.M.P(MD)Nos.3378 & 3379 of 2020
and
W.P(MD)No.3976 of 2020
and
W.M.P(MD)Nos.3380 and 3381 of 2020

Hussainiya Primary School,
Rep. by its Manager,
S.Reyasunnisa

... Petitioner in both W.Ps

Vs.

1.The Director of Elementary Education,
O/o.the Director of Elementary Education,
DPI Campus,
Chennai.

2.The District Educational Officer,
O/o.the District Educational Officer,
Tirunelveli,
Tirunelveli District.

3.The Block Educational Officer,
O/o.the Block Educational Officer,
Tirunelveli Urban range, Tirunelveli District.

... Respondents 1 to 3 in both W.Ps



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4.T.Rathikumari ... 4th Respondent in W.P(MD)No.3974 of 2020

5.B.Palanivelan ... 4th Respondent in W.P(MD)No.3976 of 2020

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the impugned orders in O.Mu.No.2960/A4/2019 and O.Mu.No. 2961/A4/2019 respectively dated 30.07.2019 on the file of the respondent No.2 and quash the same as illegal and consequently, direct the respondent No.2, to reconsider the application, dated 03.05.2019, within the time frame stipulated by this Court.

(In both W.Ps)

For Petitioner

: Mr.Aswin Rajasimman for
Mr.T.Lajapathi Roy

For R-1 to R-3

: Mr.J.Ashok,
Additional Government Pleader

For R-4

: Mr.M.Saravanan

COMMON ORDER

These writ petitions have been filed to quash the impugned orders in O.Mu.No.2960/A4/2019 and O.Mu.No.2961/A4/2019 respectively dated 30.07.2019 on the file of the second respondent and consequently, to direct the second respondent, to reconsider the application, dated 03.05.2019, within a stipulated period.



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2. The learned counsel appearing for the petitioners would submit that the private respondents are working in the petitioner School for more than two decades. In the year 2019, they have submitted an application for voluntary retirement on 03.05.2019 and the same was forwarded to the third respondent. Before the expiry of notice, they did not withdraw the application. In these circumstances, the third respondent forwarded the application to the second respondent with a delay of 45 days. Subsequently, the second respondent issued the impugned communications rejecting the application submitted by the private respondents. Aggrieved over the same, the petitioner School has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner school would submit that the private respondents on their own volition, made the application for Voluntary Retirement and the same was forwarded to the Educational Authorities for approval. However, the same was rejected vide the impugned orders, which is not sustainable one. However, the learned counsel would submit that it would suffice, if the Educational



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Authorities are directed to conduct an enquiry with regard to the issue in between the petitioner school management and the private respondents with regard to the withdrawal of Voluntary Retirement Application and accordingly, prayed for appropriate orders.

4. The learned counsel appearing for the private respondents would submit that prior to the impugned orders, the private respondents filed writ petitions before this Court in W.P(MD)Nos.29870 and 29873 of 2019, seeking for a direction to the the school management not to prevent them from discharging the duty as Secondary Grade Teachers, wherein this Court vide order, dated 01.11.2019, closed the writ petitions by recording the submissions that the private respondents/teachers are working in the school and there was no disturbance caused to them. Subsequently, as against the consent order passed by this Court, the school management preferred writ appeals before the Division Bench in W.A(MD)Nos.1456 and 1457 of 2019 and the same were also dismissed vide order, dated 20.01.2020 and now, the private respondents are working in the petitioner school without any disturbance and therefore,



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these writ petitions are not maintainable and the writ petitions have become infructuous and no further adjudication is necessary in these writ petitions and hence, prayed for appropriate orders.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. It is seen that the dispute with regard to the withdrawal of the application submitted by the private respondents for voluntary retirement, was resolved by this Court in the earlier round of litigation and now, the private respondents are continuing their service as Teachers in the petitioner school.

7. In view of the above, no further orders are necessary in these writ petitions. No Costs. Consequently, connected miscellaneous petitions are closed.

05.01.2023

pm
NCC:Yes/No
Index:Yes/No

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M.DHANDAPANI,J.

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