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W.P.(MD)NO.15140 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15140 of 2023 AND
W.M.P.(MD)Nos.12751 & 12753 of 2023

T.Ponmathi

... Petitioner

Vs.

1. The Chief Educational Officer,
Virudhunagar District.

2. The District Educational Officer,
Aruppukkottai,
Virudhunagar District.

3. The Secretary,
SBK Higher Secondary School,
Kalloorani – 626 105,
Virudhunagar District.

4. S.Karthigaiselvi

5. C.Umamaheswari

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in his



proceedings in Na.Ka.No.8847/A4/2022 dated 12.06.2023 to the 4th respondent and Na.Ka.No.8847/A4/2022 dated 12.06.2023 to the 5th respondent and quash the same and direct the respondents 1 and 2 to approve the promotion of the petitioner as B.T.Assistant (Science) with effect from 03.06.2019 with all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For R-1 & R-2 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2.

2. The petitioner was appointed as B.T.Assistant (Science) in the third respondent school by the management. It has however declined to approve the appointment. Challenging the rejection order, the petitioner has already filed W.P.(MD)No.15233 of 2021. Now the school is under the direct management of the department. In the meanwhile respondents 4 and 5 who have been identified as surplus teachers have been



appointed in the third respondent school. The said order is under challenge in this writ petition.

3. The learned counsel appearing for the petitioner draws my attention to the contention set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. I am not persuaded by the said submission of the learned counsel appearing for the petitioner. As rightly pointed out by the learned Additional Government Pleader, the petitioner's appointment was not approved by the department and the rejection order has been put to challenge in W.P.(MD)No.15233 of 2021. In the second writ petition, the petitioner may not have the *locus standi* to maintain the present challenge. I uphold the said objection. I clarify and make it clear that the right of the petitioner will abide by the outcome of W.P.(MD)No.15233 of 2021. The said writ petition shall not be rendered as infructuous, merely because the impugned order has been passed later. If the petitioner succeeds in W.P.(MD)No.15233 of 2021, one of the appointed teachers will have to give way. Since the petitioner's rights will abide by



the outcome of the said writ petition, there is no need to interfere with the impugned order at present. This writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

26.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Chief Educational Officer,
Virudhunagar District.
2. The District Educational Officer,
Aruppukkottai,
Virudhunagar District.



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G.R.SWAMINATHAN,J.

PMU

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