



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Thirteenth day of February Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mrs.Justice N.MALA

CMP(MD) No.9547 of 2022
in
A.S.(MD)No.218 of 2022

CMS IVENGELICAL SUVI DAVID MEMORIAL,
HIGHER SECONDARY SCHOOL COMMITTEE,
KARISAL REGISTRAR NO.11/1967,
NEW NO.62/82,
THROUGH ITS SECRETARY MR.C.JEBASTIN,
KARISALPATTI,
AMBASAMUTHIRAM TALUK,
TIRUNELVELI DISTRICT.

....PETITIONER/APPELLANT

Vs

- 1 THE DISTRICT REGISTRAR
CHERANMAHADEVI REGISTRATION DISTRICT,
CHERANMAHADEVI, TIRUNELVELI.
- 2 THE DISTRICT EDUCATIONAL OFFICER,
CHERANMAHADEVI, TIRUNELVELI-1.
- 3 THE CHIEF EDUCATIONAL OFFICER,
KOKKIRAKULAM, TIRUNELVELI DISTRICT-9.
- 4 THE GOVERNMENT OF TAMIL NADU,
THROUGH ITS TRIUNELVELI DISTRICT COLLECTOR,
DISTRICT COLLECTOR OFFICE CAMPUS,
KOKKIRAKULAM, TIRUNELVELI-9.
- 5 S.DAVID STEPHEN,
- 6 D.PAULRAJ,
- 7 M.PITCHAI,
- 8 M.S.DENSINGH RAJA,
- 9 K.SAMUVEL,



10 J.DAVID,

11 K.DHASAN,

12 DAVID,

13 D.PALRAJ,

14 S.R.C.DEVAPAITCHAI,

15 T.JEYAVEERAN,

16 D.GABRIEL,

17 D.JOSEPH,

18 THOMAS WALKER,

19 G.YOSHEP,

20 J.ISAC DEVAMANI,

21 E.JEYASEKAR ELISA,

22 D.SEIMAN MANI,

23 J.MILLTON JEBAMANICAKAM,

24 D.IMMANUEL,

25 S.WILLAM PACKIYANATHAN,

26 D.RENIAL SAMUEL,

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of injunction restraining the respondents 2 and 3 from approving or registering respondents, 5,18 or their men to the post of correspondentship for the CMS Evangelical Suvi Memorial Higher Secondary School, Karisal, pending disposal of above Appeal.

Prayer in AS(MD). 218/ 2022 :

To set aside the judgment and decree rendered in O.S.No.86 of 2018 dated 02/06/2022 on the file of the IVth Additional District Judge, Tirunelveli and allow this appeal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S M.S.SURESHKUMAR, Advocate for the petitioners and of MR.ISACC MOHANLAL, Senior Counsel for M/s.ISAAC



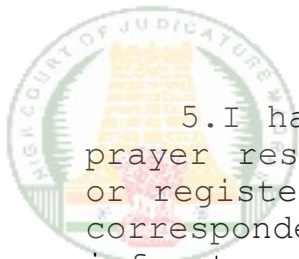
CHAMBERS for the 18th Respondent and of MR.RADHAKRISHNAN, for the Respondents 13, 15 to 26 and of MR.D.GANDHIRAJ, Special Government Pleader for the Respondents 1 to 4, the court made the following order:-

This civil miscellaneous petition has been filed to grant an order of interim injunction restraining the second and third respondents, namely the District Educational Officer, Cheranmahadevi and Chief Educational Officer, Kokkirakulam from approving or registering respondents 5, 18 to the post of correspondentship for the CMS Evangelical Suvi Memorial Higher Secondary School, Karisal pending disposal of the appeal.

2.At the time of argument, the learned counsel appearing for the petitioner submitted that though the prayer in the injunction application was to restrain the second and third respondents from approving or registering the respondents 5, 18 to the post of correspondentship, considering the fact that the second and third respondent have already approved the appointment of the fifth respondent as correspondent for CMS Evangelical Suvi Memorial Higher Secondary School, Karisal, the relief is restricted seeking for an injunction restraining the fifth and eighteenth respondents from making any recruitment of staff to the subject School. The learned counsel further submitted that the management of the School was under the direct control of the Government and the fifth and eighteenth respondents were not in management.

3.On the other hand, the learned counsel for the fifth and eighteenth respondents submitted that the correspondentship of the fifth respondent was approved by the second respondent vide order dated 05.01.2023 and the same has not been challenged till date. Earlier, the form 7 application filed by the fifth respondent was approved by the first respondent on 11.08.2022. He further submitted that the appellant has not challenged the order dated 05.01.2023 but the order in form 7 application is the subject matter of W.P.(MD)No.19304 of 2022 which is pending before this Hon'ble Court. As the fifth respondent has been recognized as correspondent of the School the management of the School is now under the control of the fifth respondent.

4.In the light of the rival contentions of the contesting parties, the learned Special Government Pleader was directed to get instructions on the management of the School. The Special Government Pleader, on instructions, submitted that from the date of approval recognizing the fifth respondent as correspondent, the management of the School is done by the fifth respondent and disbursement of the salary is done by the Department through the correspondent/fifth respondent. The Special Government Pleader further submitted that the order dated 05.01.2023 itself is very clear as the approval is subject to the result of the appeal in AS.



5.I have heard all the counsels and I am of the view the prayer restraining the second and third respondents from approving or registering the fifth and eighteenth respondents to the post of correspondentship is concerned, the prayer is now become infructuous, in view of the order dated 05.01.2023 recognizing the fifth respondent as correspondent to the CMS Evangelical Suvi Memorial Higher Secondary School, Karisal. In so far as the submission of the learned counsel for the petitioner restraining the fifth respondent from making recruitment of staff to the School is concerned, I am of the view that in the interest of the students it would suffice if the petitioner is given liberty to challenge the appointment if any, which are against the regulations. With the said liberty, this civil miscellaneous petition is disposed of.

sd/-

13/02/2023

/ TRUE COPY /

/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE IV ADDITIONAL DISTRICT JUDGE, TIRUNELVELI

+1 CC to M/s.M.S.SURESHKUMAR, Advocate (SR-2210[I] dated 13/02/2023

ORDER

IN

CMP(MD) No.9547 of 2022

in

A.S.(MD)No.218 of 2022

Date :13/02/2023

PKP/BUC/SAR-4/21.02.2023/4P/3C