



W.P.(MD).No.8298 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.8298 of 2020

and

W.M.P.(MD)Nos.7690 and 9381 of 2020 and 12437 of 2023

Rafiyathul Basariya

...Petitioner

Vs.

1.The District Educational Officer,
Tenkasi District, Tenkasi.

2.The District Elementary Educational
Officer,
Tirunelveli.

3.The Manager,
Masood Thaika Middle School,
Kadayanallur,
Tenkasi District.

4. Moulavi O.M.A.Uduman Mydeen

... Respondents

*(4th respondent is impleaded vide Court order dated 06.06.2024
made in W.M.P.(MD)No.9381 of 2020 in W.P.(MD)No.8298 of
2020)*



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.No.2220 / A4 / 2019, dated 20.09.2019 and quash the same.

For Petitioner	: Mr.A.N.Ramanathan
For R-1 & R-2	: Mr.M.Sarangan, Additional Government Pleader
For R-3	: Mr.T.S.Mohammed Mohideen
For R-4	: Mr.V.Meenakshi Sundaram

ORDER

This writ petition has been filed to quash the impugned order passed by the 1st respondent, dated 20.09.2019, cancelling the order of disbursing salary with effect from 01.02.2018 dated 01.03.2018.

2. The said order came to be passed without notice in a hasty manner by the 1st respondent, in view of the interim order passed by this Court in C.R.P. (NPD)(MD)No. 324 of 2005 and Cont.P.(MD)No.984 of 2018, however, later in the pending Civil Revision Petition, the management of the 3rd respondent



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School arrived at a compromise among themselves. On the basis of which, the aforesaid Civil Revision Petition came to be closed, vide order passed by this Court, dated 22.06.2023 and consequently, contempt petition also came to be closed on 23.06.2023.

3. W.M.P.(MD)No.9381 of 2020 has been filed by one Moulavi O.M.A.Uduman Mydeen to implead him as the 4th respondent in this writ petition. Being satisfied with the reasons stated in the accompanying affidavit, this petition is allowed. Registry is directed to carry out the necessary amendments in the cause title.

4. W.M.P.(MD)No.12437 of 2023 has been filed by one Moulavi O.M.A.Uduman Mydeen to revoke the vakalat filed through the earlier counsel and permit him to file fresh vakalat and also permit him to defend the case on merits and in accordance with law. Being satisfied with the reasons stated in the accompanying affidavit, this petition is allowed.



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5. The 4th respondent appeared before this Court in person and the learned counsel appearing for the 4th respondent has submitted that he has no objection in approving the appointment of the petitioner in view of the compromise arrived between him and the 3rd respondent School in C.R.P.(NPD) (MD)No.324 of 2005.

6. The learned Additional Government Pleader, Mr.M.Sarangan drew my attention towards the grant of interim order in C.M.P.(MD)No.745 of 2005 in C.R.P.(NPD)(MD)No.324 of 2005 and submitted that, instructions from the respondent authorities are necessary, at this point of time for the disposal of this writ petition. However, this Court is negating such submission, in view of the compromise arrived at in C.R.P.(NPD)(MD)No.324 of 2005.

7. Heard, the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents and carefully perused the materials available on record.



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8. In view of the submission made by the learned counsel appearing for the 4th respondent, this Court is of the considered opinion that nothing survives to proceed this writ petition anymore. However, recording the fact that the impugned order came to be passed without notice and the same is obviously an act of violation of principles of natural justice. Hence, the impugned order dated 20.09.2019 is hereby quashed and consequently, the respondents are directed to disburse the salary to the petitioner. The respondents are further directed to consider the case of the petitioner in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. Accordingly, this writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.06.2024

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



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To

- 1.The District Educational Officer,
Tenkasi District, Tenkasi.
- 2.The District Elementary Educational
Officer,
Tirunelveli.



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L.VICTORIA GOWRI, J.

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