



WP(MD). No.11403 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 03.06.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

**WP(MD). No.11403 of 2024
and
WMP(MD). No.10137 of 2024**

**P.Victor Selvaraj, Correspondent
Sarah Tucker Higher Secondary School**

... Petitioner

Vs

**1.The Chief Educational Officer,
Tirunelveli District, Tirunelveli**

**2.The Director Educational Officer
Tirunelveli District, Tirunelveli**

**3.The Secretary
Standing Committee on Higher Education
CBI Tirunelveli Diocese, Tirunelveli.**

**4.Nelson Durai Deivanmani
Correspondent
Walker Higher Secondary School
Dohnavur, Tirunelveli**

5.T.Selvalatha Ramona

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings passed by the 2nd



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respondent in Na.Ka.No.692/B1/2024 dated 06.05.2024

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For Petitioner : M/s.S.Chellapandian
For Respondent : Mr.M.Siddharthan for R1 to R3
Additional Government Pleader

ORDER

Heard Mr.S.Chellapandian, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, for the respondents 1 to 3. Since no adverse order is going to be passed against the respondents 4 and 5, notice to R4 and R5 is dispensed with.

2.This writ petition has been filed challenging the impugned order of the 2nd respondent dated 06.05.2024, in and by which, the petitioner was directed by the 2nd respondent to submit a proposal for approval to the transfer of the 5th respondent herein, without taking note of the judgment passed in WA(MD) NO.339/2024 dated 21.03.2024.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. Earlier, the 5th respondent has filed a writ petition before this Court in **WP(MD) No.3045/2024** seeking a direction against the respondents to consider the proposal sent by the school management to approve her appointment, wherein, an interim direction was given in **WMP(MD) No.3024/2024**, against the said interim order, the 5th respondent has filed a writ appeal in **WA No.334/2024**.

5. The Division Bench of this Court, clubbing both the writ petition and the writ appeal, had passed an order, in which, the following observation has been made:

“After elaborate arguments, the learned counsel appearing for both parties agreed that the issue involved in this matter for giving effect to the transfer order is to be enquired by the educational authority and appropriate decision would be taken in this regard.

2.In view of the same, we direct the appellant Management to place all the proposals and materials before the District Educational Officer, Tirunelveli District, Tirunelveli, within a period of one week from the date of receipt of a copy of this order and in the meantime, the writ petitioner is at liberty to submit her objections if any before the District Educational Officer, Tirunelveli District, Tirunelveli,. On receipt of the same, the District Educational Officer, Tirunelveli District, Tirunelveli, is directed to consider the proposals as well as the objections of the



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writ petitioner and take appropriate decision on merits and in accordance with law within a period of two weeks thereafter.”

6. Now, the petitioner claims that in the impugned order, the petitioner has been asked to furnish the proposal once again, which he had already given on 03.04.2024 itself.

7. In view of the above stand of the petitioner, nothing will prevent the 2nd / 3rd respondents from passing orders on merits by considering the materials placed before them, since in the earlier writ petition filed by the 5th respondent, she has not filed her objection and if the 5th respondent has filed any objection, the second and third respondents shall pass orders considering the merits without standing on technicalities.

8. With the above observation and direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

03.06.2024

NCC : Yes/No
Index : Yes/No
RR

4/6



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To

1.The Chief Educational Officer,
Tirunelveli District, Tirunelveli

2.The Director Educational Officer
Tirunelveli District, Tirunelveli



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R.N.MANJULA, J.

RR

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