



W.A.(MD).No.2625 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2625 of 2024
and
C.M.P.(MD).No.18262 of 2024

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Thoothukudi District.

2.The District Educational Officer,
Office of the District Educational Officer,
Thoothukudi District.

... Appellants/Respondents 1 & 2

Vs.

1.S.Rajkumar

... 1st Respondent/Writ Petitioner

2.The St.Francis Xavier's Hr. Sec. School,
Represented by the Correspondent,
Chinna Kovil Compound,
Thoothukudi District - 628 001.

... 2nd Respondent/3rd Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 27.11.2023 in W.P.(MD).No.9189 of 2023 on the file of this Court.



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For Appellants : Mr.J.Ashok
Additional Government Pleader
For R-1 : Mr.I.Pinaygash
For R-2 : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

This Writ Appeal has been filed against the order of the learned Single Judge in W.P.(MD).No.9189 of 2023 dated 27.11.2023.

2. The second respondent School is a minority aided educational institution. On 09.06.2017, the School had promoted the first respondent herein as B.T. Assistant (Tamil) and had sent a proposal to the appellants herein, seeking for approval of appointment and for disbursement of grant-in-aid. The said proposal was returned by the second appellant on 24.10.2017, raising certain queries. Consequently, the second respondent had re-submitted the proposal to the second appellant on 31.07.2019 and when the approval application was kept pending indefinitely, the first respondent herein had filed a Writ Petition before the Writ Court in W.P.(MD).No.9189 of 2023.



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3. The Writ Court, through its order dated 27.11.2023, had, without going into the merits of the claim made in the application for approval, directed the second appellant herein to consider the same within a stipulated time. This order is put under challenge in the present Writ Appeal.

4. We fail to understand as to how the appellants herein are aggrieved against the order passed in the Writ Petition. The Writ Court, while disposing of the Writ Petition, had neither given any positive directions to grant approval, nor had dealt with the merits of the claim made by the School in the application.

5. This apart, the appellants herein have admitted that the application seeking for approval was re-submitted by the School on 31.07.2019 and no reasons have been assigned as to why the application was kept pending for more than four years. It is needless to point out here that in view of the conduct of the appellants herein in having kept the application pending for four years, both the concerned Teacher, as well as the School would have been put to serious prejudice for want of the grant-in-aid. We are not satisfied with any of the grounds raised in this appeal, challenging the order passed in the Writ Petition.



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6. In the absence of any merits, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
20.12.2024

NCC : Yes / No
Index : Yes / No
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