



CMP(MD) No.14717 of 2024

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

Tuesday, the Twenty Second day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mr.Justice SUNDER MOHAN

CMP(MD) No.14717 of 2024
in
WA(MD) No.1547 of 2024

CMP(MD) No.14717 of 2024:

M.FAZUL ASHAB

... Petitioner / 1st Respondent /
1st Respondent

Vs

1 THE CHIEF EDUCATIONAL OFFICER,,
TIRUNELVELI,
TIRUNELVELI DISTRICT

2 THE DISTRICT EDUCATIONAL OFFICER(SECONDARY),,
TIRUNELVELI,
TIRUNELVELI DISTRICT

... Respondents 1 & 2 / Petitioners /
Appellants

3 THE SECRETAR AND CORRESPONDENT,,
THE MUSLIM HIGHER SECONDARY SCHOOL,
MELAPALAYAM,
TIRUNELVELI DISTRICT

... 3rd Respondent / 2nd Respondent /
2nd Respondent



CMP(MD) No.14717 of 2024

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to vacate the Interim order granted in CMP (MD).No.12152 of 2024 in W.A(MD).No.1547 of 2024 dated 11-09-2024 .

CMP(MD) No.12152 of 2024 IN WA(MD) No.1547 of 2024

1 THE CHIEF EDUCATIONAL OFFICER
TIRUNELVELI,
TIRUNELVELI DISTRICT

2 THE DISTRICT EDUCATIONAL OFFICER (SECONDARY,)
TIRUNELVELI,
TIRUNELVELI DISTRICT

... Petitioners / Appellants

Vs

1 M FAZUL ASHAB

2 THE SECRETARY AND CORRESPONDENT,
THE MUSLIM HIGHER SECONDARY SCHOOL,
MELAPALAYAM,
TIRUNELVELI DISTRICT

... Respondents / Respondents

Prayer in CMP(MD). 12152/ 2024 :

To grant an order of interim stay of operation of order dated 27-11-2023 passed by this Honourable Court in W.P.(MD).No.9036 of 2023, pending disposal of the above writ appeal.

Prayer in WA(MD). 1547/ 2024 :

To set aside the judgment dated 15.11.2023 in WP(MD) No.25619 of 2022 on the file of this Honourable Cour.

Prayer in WP(MD). 25619/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in O.Mu.No. 1019/A4/2021 dated 1.02.2022 of the



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1st respondent herein and quash the same and consequently direct the respondents 1 and 2 herein to approve the appointment of petitioner as a BT Assistant (Science) w.e.f. 1.6.2018 with all other attended benefits.

ORDER : This civil miscellaneous 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.E.MAREESKUMAR, Advocate for the petitioner and of Mr.S.P.MAHARAJAN, Special Government Pleader on behalf of the Respondent Nos.1 and 2, the Court made the following order:-

This petition has been filed to vacate the interim order granted in C.M.P.[MD] No.12152 of 2024 in W.A.[MD]No.1547 of 2024 dated 11.09.2024.

2.We do not find any ground to vacate the interim order inasmuch as the school has not sought for approval of appointment of Mr.M.Fazul Ashab. On the contrary, it is seen from the communication dated 21.06.2018 that the school has sought only for permission to upgrade the post of Secondary Grade Teacher as a Graduate Teacher. Hence, this petition for vacating the interim order is dismissed.

sd/-
22/10/2024

/ TRUE COPY /

/10/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MR



CMP(MD) No.14717 of 2024

To **மேதர் அலி**

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1 THE CHIEF EDUCATIONAL OFFICER
TIRUNELVELI,
TIRUNELVELI DISTRICT

2 THE DISTRICT EDUCATIONAL OFFICER (SECONDARY,)
TIRUNELVELI,
TIRUNELVELI DISTRICT

ORDER
IN
CMP(MD) No.14717 of 2024
in
WA(MD) No.1547 of 2024
Date :22/10/2024

ED/ MMS /SAR- (29/10/2024) 4P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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