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W.P.(MD) No.12701 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.12701 of 2017

and

W.M.P.(MD) Nos.9817 & 9818 of 2017

A.Mohammed Ajeeth

... Petitioner

-vs-

1.The Chief Educational Officer
Office of the Chief Educational Officer
Theni District

2.The District Educational Officer
Uthamapalayam Education District
Uthamapalayam, Theni District

3.The Secretary and Correspondent
Cardamom Planters Union
Higher Secondary School
Cumbum-625 516, Theni District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the notice issued by the third respondent in Ref.No.C28/2017-2018, dated 10.04.2017, and quash the same as illegal and consequently direct third



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respondent to conduct fair interview for the 3 vacant posts in the light of Government guidelines and in term of Rule 15(4) of the Tamil Nadu Recognised Private Schools (Regulation) Act and Rules, 1974, for the petitioner and select the petitioner in accordance with law and merits.

For Petitioner : Mr.B.Vinoth Balan

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 & R2
Mr.G.Karthik
for M/s.Lajapathi Roy & Associates for R3

ORDER

This writ petition has been filed by the petitioner challenging the impugned order, dated 10.04.2017, passed by the third respondent, wherein, it is disclosed that Mr.S.Arjun has been selected and appointed as a Lab Assistant.

2. The petitioner claims that he had also applied for the post of Lab Assistant in the third respondent – School and according to him, arbitrarily, despite calling upon him to produce the relevant documents for document verification, the third respondent has illegally appointed another



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person as a Lab Assistant in his school. In the impugned order, it has been made clear that Mr.S.Arjun has been selected and appointed as Lab Assistant. The petitioner had also applied for the very same post. Mr.S.Arjun, who has been appointed as Lab Assistant, has not been arrayed as a party respondent in this writ petition, though the petitioner was fully aware at the time of filing of this writ petition that Mr.S.Arjun has been selected and appointed as a Lab Assistant. Mr.S.Arjun is a necessary party for the effective adjudication of this writ petition. At this stage, also after a lapse of seven years from the date of filing of this writ petition, the said Mr.S.Arjun cannot be impleaded as a party respondent in this writ petition.

3. For the foregoing reasons, on the ground of non-joinder of necessary party, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

14.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Office of the Chief Educational Officer,
Theni District.
- 2.The District Educational Officer,
Uthamapalayam Education District,
Uthamapalayam, Theni District.



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ABDUL QUDDHOSE, J.

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