



W.A(MD) No.91 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 20.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.91 of 2019

and

C.M.P.(MD)Nos.589 & 5637 of 2019

N.Jamal Mohaideen

... Appellant / 3rd Respondent

Vs.

1.B.Sardar Basha

... 1st Respondent / Petitioner

2.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Backward Classes,
Most Backward Classes & Minority Welfare Department,
Fort St.George,
Chennai.

3.The Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
Jaffer Siwang Street,
Vallal Seethakadhi Nagar,
Chennai.

4.The M.S.S Wakf Board College,
Rep. by its Principal,
K.K.Nagar, Madurai-625 020.

... 2 to 4 Respondents /
Respondents 1, 2 & 4



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the orders of this Court dated 30.01.2018 in W.P. (MD)No.15788 of 2018 and allow the Writ Appeal.

For Appellant : Mrs.Chitra Sampath
Senior Counsel
for Mr.N.Balasubramanian

For Respondents : No appearance
for R1

: Mr.C.Venkateshkumar
Special Government Pleader
for R2

: Mr.S.A.Ajmal Khan
Standing Counsel
for R3 & R4

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard the learned Senior Counsel appearing for the appellant and the learned standing counsel for the Wakf board and the learned Special Government Pleader for the Government.



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2. The appellant was appointed to the Governing Body of M.S.S.Wakf Board College vide G.O.(D).No.3, Backward Classes, Most Backward Classes & Minorities Welfare Department, dated 01.02.2017. This appointment was challenged by one Sardar Basha in W.P.(MD)No. 15788 of 2018. The learned single Judge quashed the GO vide order dated 30.10.2018 and allowed the writ petition. Questioning the same, this writ appeal has been filed.

3. It is not in dispute that the appellant was holding the post of Secretary cum Correspondent of the College in the year 2003. He was subsequently removed from the primary membership of the college. Challenging his removal, the appellant filed W.P.No.37894 of 2003. The said writ petition came to be dismissed in the year 2017 without going into the merits of the matter. The learned Judge dismissed the writ petition on 29.06.2017 citing sheer efflux of time.

4. The learned Senior Counsel appearing for the appellant contends that the appellant was not even a primary member of the college and therefore, he could not have been appointed to the governing body and that GO could have been interfered with on that ground and that there was no need to make any adverse observation against the appellant.



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5. The learned Senior Counsel also takes exception to the finding given by the learned single Judge that allegations made against the appellant had been proved. The appellant through the counsel on record makes a statement before us that he is not been part of the college administration and that he shall also not indulge in associating himself in the future. This undertaking given by the appellant through his counsel is placed on record.

6. In this view of the aforesaid undertaking, the adverse observation and findings given against the appellant stand expunged. The Writ Appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
20.08.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi/skm



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To

The Principal Secretary,
Backward Classes,
Most Backward Classes & Minority Welfare Department,
Fort St.George,
Chennai.



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G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

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