



W.A(MD) No.1327 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14.07.2025

CORAM

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

W.A(MD) No.1327 of 2025

and

C.M.P.(MD)No.8071 of 2025

Sri Manthiramoorthy High School Committee,
Tirunelveli,
Rep. by its
Life Member / President,
L.Arvind (35/2020)
S/o.Late K.Loganathan,
No.25/11, Thiruvalluvar Street,
Chitharanjan Colony,
Chennai-600 082.

... Appellant / 3rd Party

Vs.

1.Sri Mandhiramoorthy Higher Secondary
School Committee (Education Agency),
Through its Secretary,
R.Abarna Raguram,
D/o.Manthira Subramanian,
No.155/5, 28, F1, Madurai Road,
Durga Apartment, Balapackia Nagar,
Tirunelveli District.

... 1st Respondent / Petitioner



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2. The District Educational Officer,
Office of the District Education Office,
Tirunelveli District. ... 2nd Respondent / Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 18.03.2025 in W.P.(MD)No.7268 of 2025.

For Appellant : Mr.G.Prabhu Rajadurai

For Respondents : Mr.R.J.Karthik
for R1

: Mr.C.Venkatesh Kumar
Special Government Pleader
for R2

ORDER

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2. One R.Abarna Raguram claims that she is the secretary of Shri.Mandhiramoorthy Higher Secondary School Committee. Since her status was not approved by the department, she filed W.P.(MD)No.7268



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of 2025. The learned Single Judge vide order dated 18.03.2025 disposed of the writ petition in the following terms:-

“6. Considering the facts and circumstances of the case, this Court directs the respondent herein to consider the petitioner's application dated 24.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its view with regard to the merits of the matter and that it is open to the respondent to consider the same on its own merits.”

Aggrieved by the same, the president of the committee has filed this third party writ appeal.

3.The Hon'ble Supreme Court in the decision reported in ***AIR 1985 SC 167 (Prabodh Verma vs State of Uttar Pradesh)*** held that a High Court ought not to decide a writ petition under Article 226 of the Constitution of India without the persons who would be vitally affected by its judgement being before it as respondents. It is beyond dispute that the appellant herein was a necessary party. This is because one Mr.K.K.Easun had already been nominated to the post of Secretary of the appellant society. On this score alone, the order of the learned Single



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Judge is liable to be set aside.

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3.The stand of the appellant is that Abarna Raguram cannot claim to represent the committee since her status is yet to be recognised. It is also seen that the parties are locked in litigation in W.P.(MD)No.15517 of 2020. The said writ petition has been filed to quash the proceedings dated 17.10.2020 by which the second respondent herein refused to approve the nomination of Easun as Secretary.

4.When the question as to the entitlement to the post of Secretary is the subject matter of the earlier writ petition, unless the said writ petition is disposed of and finally decided, it may not be possible for the department to consider the contested claim projected by the writ petitioner. When the writ court is seized of the matter as to who should be recognised as the Secretary of the appellant society, the department cannot conduct any parallel enquiry. On this ground also, the order of the learned Single Judge is set aside.



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5.The writ appeal is allowed. The parties shall work out their rights

based on the outcome of W.P.(MD)No.15517 of 2020. No costs.

Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
14.07.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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To

The District Educational Officer,
Office of the District Education Office,
Tirunelveli District.



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