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W.A.(MD)NO.1904 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.1904 of 2025 AND

C.M.P.(MD)No.10951 of 2025

Al-Ameen Muslim Higher Secondary School,
Rep. through its Correspondent,
Madurai Road, Aruppukkottai,
Virudhunagar District.

... Appellant/5th Respondent

Vs.

1. Janab S.Kadhar Moideen,
S/o.A.Samsudeen,
Vice President, Ad-hoc Committee,
Nallur Mohaideen Aandavar
Sunnath Wal Jammath Pallivasal,
Aruppukkottai,
Virudhunagar District.

2. Janab Mohamed Siddandar,
S/o.N.Mohamed Ibrahim,
Treasurer, Ad-hoc Committee,
Nallur Mohaideen Aandavar
Sunnath Wal Jammath Pallivasal,
Aruppukkottai,
Virudhunagar District.

... Respondents 1&2/Petitioners

3. The Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai.



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4. The Superintendent of Wakfs,
Ramanathapuram Division,
Madurai.

5. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

6. The District Educational Officer,
Virudhunagar District,
Virudhunagar.

7. A.Samsudeen ... Respondents 3 to 7/ Respondents 1-4&6

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 27.11.2024 passed in W.P.(MD)No.27474 of 2024 on the file of this Court and thereby allow this appeal.

For Appellant : Shri.V.Raghavachari,
Senior counsel,
for Mr.N.C.Ashok Kumar.

For R-1 & R-2 : Mr.Selva Aditya

For R-3 & R-4 : Mr.K.K.Senthil

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

The case on hand pertains to approval of the appointment of one Ms.Najeema as Headmistress in the petition-mentioned school. It



is not in dispute that the said institution is receiving aid from the Government. Therefore, the approval of the said appointment from the Department is necessary. However, even before the Department could take a call in the matter, W.P.(MD)No.27474 of 2024 came to be filed to forbear the Department from approving the said appointment. The learned single Judge vide order dated 27.11.2024 disposed of the writ petition in the following terms:-

“16.However, the entire gamet of facts before this Court would reveal that the petitioners have objected to the appointment of Najeema as Headmistress only because of indifference between the Adhoc Committee consisting of total number of 10 members of whom already one member has passed away and two members are inactive in the matter of administration of the Adhoc Committee. It is also brought to the notice of this Court that the said Najeema who is appointed as Headmistress, is the wife of the Secretary of the current Adhoc Committee. There will be a specific direction to the Adhoc Committee to approach the Wakf Tribunal to resolve the indifferences and the respondents 1 and 2 shall take a final call as to the internal dispute prevailing in the Adhoc Committee of Nallur Mohaideen Aandavar Sunnath Wal Jammath



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Pallivasal, Aruppukottai. The first respondent shall take a final call as to who should function as the Correspondent of the fifth respondent School and on such decision been taken by the first respondent, the Correspondent shall notify both the vacancies afresh and conduct proper selection process in a transparent manner.”

2. We are of the view that the writ petition has been pre-maturely filed. We cannot assume that the Department would act contrary to law. After the Department takes a call in the matter, it is always open to the writ petitioners to move this Court again for appropriate relief, if necessary.

3. In this view of the matter, the order impugned in the writ petition is set aside.

4. The competent authority will take into account the objections raised by the writ petitioners. Whatever be the decision that is taken by the Department, a copy of the same will be immediately furnished to the writ petitioners. All the contentions of



the writ petitioners are left open. We make it clear that we have not gone into the merits of the matter. This writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
18th July 2025

NCC : Yes / No
Index : Yes / No
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