

?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 14.03.2019

*CORAM

THE HON-BLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HON-BLE MRS.JUSTICE R.THARANI

+W.A(MD)NO.253 OF 2019

and

W.M.P(MD)No.2063 of 2019

#Rev.M.Mohanan

Son of N.Manunel,

Manager, Lutheran School Corporate Managements,

CLHSS Compound,

Peroorkada~5,

Trivandrum,

Trivandrum District. :Petitioner/Appellant

.vs.

\$1.The Chief Educational Officer,

Nagercoil,

Kanyakumari District.

2.The District Educational officer,

Kuzhithurai,

Kanyakumari District.

3.The India Evangelical Lutheran Church,

Thiruvananthapuram Synad,

CLHSS Compound, Peroorkada~5,

Trivandrum,

Thiruvananthapuram District.

4.Mr.T.Stephen : Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.13107 of 2018, dated 28.09.2018.

!For Appellant :Mr.S.C.Herold Singh

^For Respondents :Mrs.S.Srimathi

Special Government Pleader

For Respondent~3 :Mr.B.Christopher

:ORDER

[Judgment of the Court was made by K.KALYANASUNDARAM.,J.]

This Writ Appeal is preferred against the order of the learned Single

Judge in W.P(MD)No.13107 of 2018, dated 28.09.2018.

2.Heard Mr.S.C.Herold Singh, learned counsel appearing for the Petitioner, Mrs.S.Srimathi, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.B.Christopher, learned counsel appearing for the third respondent and perused the materials available on record.

3.The post of fourth respondent as Correspondent of the appellant/School namely, Concordia Lutheran High School, Kalparapottai was put to challenge by the Petitioner in W.P(MD)No.13107 of 2018. When the Writ Petition was taken up for hearing, HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN, Retired Judge of the High Court, Madras was appointed as Administrator of the Church, by order dated 31.7.2018, in Transfer C.S.No.741 of 2017. Taking note of the fact that the Writ Petition was disposed of by observing that it is for the parties to approach the Administrator to get any relief.

4.It is contended by Mr.S.C.Herold Singh, learned counsel for the Petitioner that in pursuance of the order passed in the Writ Petition, the fourth respondent demitted his Office as Correspondent of the school and the service of the appellant can be utilized as Correspondent of the School, till new election is conducted. This Court is not in a position to accept the submission made by the learned counsel for the appellant.

5.In our considered opinion, the appellant has to approach the Administrator as per order of the learned Single Judge for getting any relief. Hence, we find no merit in this Writ Appeal.

6.Accordingly, the Writ Appeal is dismissed, with liberty to the appellant to approach the Administrator, for necessary relief. No costs. Consequently, connected Miscellaneous Petition is dismissed.

To

1.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

2.The District Educational officer,
Kuzhithurai,
Kanyakumari District.