

(2005) 04 MAD CK 0043
In the Madras High Court
Case No : W.A. No. 922 of 2005

M. Theophilus Rajendra Kumar

APPELLANT

Vs

The Director of Matriculation Schools, The Inspector of
Matriculation Schools, Coimbatore Region and The Managing
Trustee, M. James Rames Raj, Elsie Educational Trust

RESPONDENT

Date of Decision : 28-04-2005

Acts Referred:

Citation : (2005) 3 CTC 385

Hon'ble Judges : Markandey Katju, C.J.; F.M. Ibrahim Kalifulla, J

Bench : Division Bench

Advocate : S.N. Ravichandran, for the Appellant;

Final Decision : Dismissed

Judgement

Markandey Katju, C.J.—This writ appeal has been filed against the order dated 16.3.2005 of the learned single Judge by which he has

vacated the interim stay of a termination order.

2. The Supreme Court in (2000) 10 SCC 311 has observed as follows:-

We are not expressing any opinion as to whether the services of an employee could be terminated for not passing the shorthand and typewriting

test, but we are clearly of the opinion that the High Court erred in law in staying the order of termination as an interim measure in the pending writ

petition. By such interim order if an employee is allowed to continue in service and then ultimately the writ petition is dismissed, then it would

tantamount to usurpation of public office without any right to the same. We, therefore, set aside the impugned order of the High Court staying the

order of termination.

3. Thus it is well settled that the High Court cannot grant interim stay of termination or suspension orders as that would amount to finally allowing the writ petition.

4. In view of the above there is no merit in this writ appeal and it is dismissed. However, we direct that the writ petition be listed before the appropriate court immediately after vacation. No costs. Consequently WAMP No.1705 of 2005 is also dismissed.