

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.2.2015.

CORAM

THE HON'BLE MR.JUSTICE V.DHANAPALAN
AND
THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

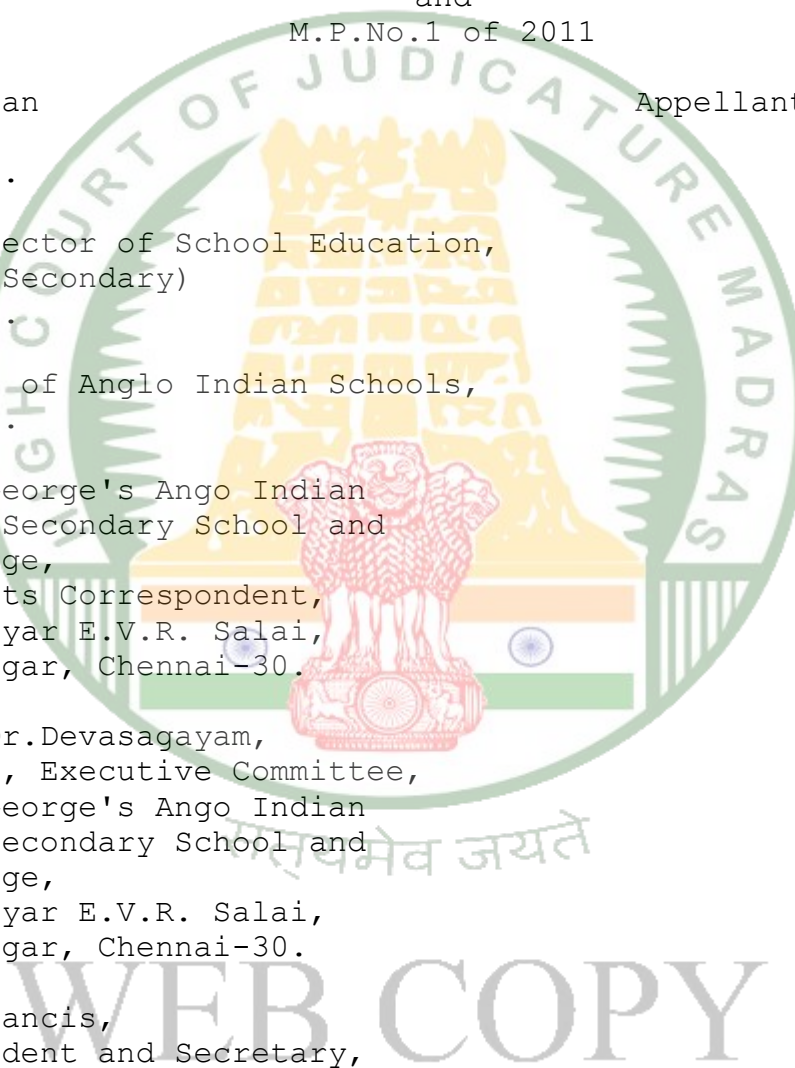
W.A.No.377 of 2011
and
M.P.No.1 of 2011

Tmt.Usha Rajan

Appellant/Petitioner

vs.

1. Joint Director of School Education,
(Higher Secondary)
Chennai-6.
2. Inspector of Anglo Indian Schools,
Chennai-6.
3. The St. George's Anglo Indian
Higher Secondary School and
Orphanage,
rep. by its Correspondent,
738, Periyar E.V.R. Salai,
Shenoy Nagar, Chennai-30.
4. Rt.Rev. Dr.Devasagayam,
President, Executive Committee,
The St. George's Anglo Indian
Higher Secondary School and
Orphanage,
738, Periyar E.V.R. Salai,
Shenoy Nagar, Chennai-30.
5. Dr.G.K.Francis,
Correspondent and Secretary,
The St. George's Anglo Indian
Higher Secondary School and
Orphanage,
738, Periyar E.V.R. Salai,
Shenoy Nagar, Chennai-30.



6. Mr.Quinton Emmment,
Treasurer, Executive Committee,
The St. George's Ango Indian
Higher Secondary School and
Orphanage,
738, Periyar E.V.R. Salai,
Shenoy Nagar, Chennai-30.

7. Mr.Paul Victor Samuel,
Headmaster,
The St. George's Ango Indian
Higher Secondary School and
Orphanage,
738, Periyar E.V.R. Salai,
Shenoy Nagar, Chennai-30.

Respondents/Respondents

Writ Appeal against the order dated 21.1.2011 in M.P.No.1 of 2010 in W.P.No.10551 of 2010 on the file of this court.

Petition presented under Article 226 of the Constitution of India, to issue a Writ of Certiorari Calling for the records pertaining to the order passed by the 3rd Respondent in his Proceedings No.Nil dated 03.03.2010 and the proceedings No.Nil dated 10.03.2010 and Quash the same.

For appellant : Mr.C.Selvaraj, Senior Counsel for
M/s.C.S.Associates

For RR 1 and 2 : Mr.R.Rajeswaran, Special Govt. Pleader
For R3 : No appearance.

For RR4, 5 and 7 : M/s.Fr.A.Xavier Arulraj R6-Died

JUDGMENT

(Order of the Court was delivered by V.DHANAPALAN, J)

Heard Mr.C.Selvaraj, learned counsel for the appellant, Mr.Rajeswaran, learned Special Government Pleader for respondents 1 and 2, Fr.A.Xavier Arulraj for respondents 4, 5 and 7. Though the third respondent was served and their name was printed in the cause list, none appears for the third respondent. It is reported that the sixth respondent died.

2. The order passed by the learned single Judge in M.P.No.1 of 2010 in W.P.No.10551 of 2010 has been called in question seeking to quash the same. The appellant is a Teacher working under the 4th and 5th respondent Management. A show cause notice was issued to him on 3.3.2010 and the matter was in contest. After going into every

detail, the learned Single Judge came to the conclusion that there is no prima facie case made out and dismissed the stay petition direction the writ petitions to be listed, as against which, the appellant is before this court.

3. On 28.1.2015, this court passed the following order:-
"Heard Mr.C.Selvaraju, learned Senior Counsel appearing for the appellant, Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1 and 2 and Fr.A.Xavier Arulraj, learned counsel appearing for respondents 5 and 7.

2. The appellant/petitioner before the Writ Court challenged the show cause notice, dated 3.3.2010, issued by the Correspondent of the School, whereby, she has been called upon to show cause as to why action should not be taken for the alleged misconduct committed by her on 24.2.2010 and further stating that as per the letter forwarded by the Headmaster of the School, dated 24.2.2010, she signed for both the forenoon and afternoon sessions on 24.2.2010 in the Teachers' Attendance Register at 7.45 am., that she failed to report for the Invigilation Duty assigned to her at 9 am and she was not present in the School for the whole day.

3. During the course of arguments, the Scheme of the NCC programmes was explained. The time factor involved in the NCC programmes, is a matter for concern. The explanation submitted by the appellant reveals that she is an Associate NCC Officer of the School, that the NCC "A" Certificate examination for the girl cadets of the School was scheduled on 24.2.2010 at Ashok Nagar School, that the Headmaster signed the relevant documents on 23.2.2010, that out of 40 cadets, only 32 cadets turned up for the "A" Certificate examination on 24.2.2010, that as an Invigilator for the "A" Certificate examination on 24.2.2010, she reached the School at 7.45 am that usually, she reaches the School around 8.30 am, and on that day, alongwith 32 NCC girls from the School, she proceeded to the Ashok Nagar School only with the permission of the Headmaster.

4. When that is the position, the competent Committee which has initiated action against the appellant/delinquent, should understand and know as to what would be the normal functioning time of the NCC programmes in the Schools and Colleges and the Unit

Officer of the NCC, in coordination with the School authorities, will always have corresponding communications between them for taking the NCC cadets for training or for examination. Therefore, the explanation submitted by the appellant/delinquent has to be considered by the respondents 5 and 7 in its right spirit and in a sympathetic way. Hence, the learned counsel for the respondents 5 and 7 shall apprise the said position to them and upon discussion, the respondents 5 and 7 shall come out with a decision and the outcome of their decision shall be reported to this court on the next hearing date.

5. Post the Writ Appeal "for orders" on 9.2.2015."

4. Pursuant thereto, the learned counsel for the respondent-Management took hectic efforts and benevolent approach made by him, the matter has come to a possible resolution and a quietus to the issue. Today, learned counsel for 4, 5 and 7 produced a copy of the proceedings of the respondent-Management dated 18.2.2015 which reads thus:-

" The Management of St.George's Anglo-Indian Higher Secondary School initiated disciplinary proceedings against Mrs.Usha Rajan, B.T.Assistant (English) by issuing show-cause notices dated on 3.3.2010 and on 10.3.2010. She submitted her explanation on 5.3.2010 and 16.3.2010.

Pending the proceedings, Mrs.Usha Rajan challenged the show-cause notices in W.P.No.10551 of 2010. The Hon'ble High Court dismissed the stay petition in M.P.No.1 of 2010 in W.P.No.10551 of 2010, against which she was filed writ appeal in W.A.No.377 of 2011.

In the changed circumstances, the management is of the view that the issue needs to be given quietus. Accordingly, the management, in its Executive Committee meeting held on 17.2.15, at St.George's A.I. Hr. Sec. School & Orphanage, has withdrawn the show-cause notices issued to Mrs.Usha Rajan on 3.3.2010 and 10.3.2010.

However she is advised to strictly abide by the rules and regulations of the institution."

5. In the light of the above, as the matter in question including the challenge made to the show cause notice, nothing survives for consideration in the matter except to record the said proceedings and to close the writ appeal. Accordingly, this writ

appeal is closed. No costs. The connected miscellaneous petition is also closed.

6. We place on record our appreciation for the benevolent approach made by Fr.Rev.Xavier Arul Raj which has give a possible resolution to the issue.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To

1. Joint Director of School Education,
(Higher Secondary)
Chennai-6.

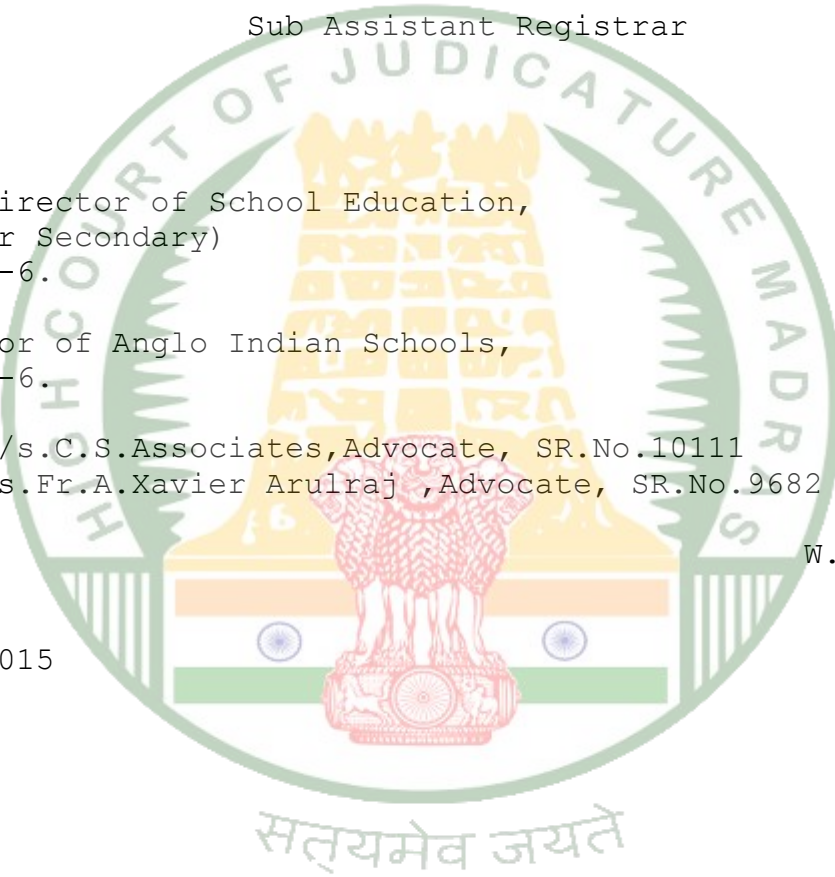
2. Inspector of Anglo Indian Schools,
Chennai-6.

1 cc to M/s.C.S.Associates,Advocate, SR.No.10111

2 cc to M/s.Fr.A.Xavier Arulraj ,Advocate, SR.No.9682

W.A.No.377 of 2011

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