

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.22928 of 2015

and M.P.No.1 of 2015

Ebenezer Aided Middle School  
represented by its Secretary  
Mrs.Esther Sujana,  
27, Chittoor Road, Katpadi,  
Vellore District - 632 007.

... Petitioner

-Vs-

- 1.The Director of Elementary Education,  
D.P.I. (Campus), Chennai - 600 006.
- 2.The District Elementary Educational Officer,  
Vellore Fort, Vellore District - 632 004.
- 3.The Additional Assistant Elementary  
Educational Officer,  
Katpadi Range - 632 007,  
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records of the 2<sup>nd</sup> respondent - District Elementary Educational Officer Vellore passed in Na.Ka.No.2897/A2/2015 dated 21.07.2015 and quash the same.

For Petitioner : Mr.K.M.Kodaiarasu

For Respondents : Mrs.P.Rajalakshmi, Government Advocate

ORDER

The only submission made by the learned counsel for the petitioner is that the order impugned dated 21.07.2015 has been passed based upon certain allegations, without hearing the petitioner.

2.A perusal of the order impugned dated 21.07.2015 would show that based upon certain allegations to the effect that complaints have been received from the parents that contrary to the rules and regulations, higher payments are being received from the students,

the said order is passed in the interest of the students and also on administrative grounds. Accordingly, direct payment has been ordered.

3.As the said order has been passed without hearing the petitioner, this Court is inclined to quash the same, being violative of principles of natural justice in not offering an opportunity. Accordingly, the order impugned is set aside. The respondent no.2 is directed to issue notice to the petitioner to show cause as to why such an order shall not be passed. After hearing the reply from the petitioner, appropriate orders will have to be passed. The said exercise will have to be completed within a period of eight weeks.

4.Accordingly, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CO)  
dt:28/09/2015

True Copy

Sub-Assistant Registrar

va

To

- 1.The Director of Elementary Education,  
D.P.I. (Campus), Chennai - 600 006.
- 2.The District Elementary Educational Officer,  
Vellore Fort, Vellore District - 632 004.
- 3.The Additional Assistant Elementary  
Educational Officer,  
Katpadi Range - 632 007,  
Vellore District.

+1 cc to Mr.K.M.Kodaiarasu Advocate sr.49960

+1 cc to Government Pleader sr.50266

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