

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25926 of 2015

Girls Higher Secondary School,
Rep by its Secretary,
Vellore,
Namakkal District.

... Petitioner

Vs.

1. The Chief Education Officer
Namakal.
2. The District Educational Officer
Namakal.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on the proposal of the petitioner school dated 09.12.2004, with regard to seeking prior permission for termination of the service of Tmt S.Geetha Junior Assistant in the petitioner School as per sec 22(2) of Tamilnadu Recognized Private School (Regulations) Act 1973.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner / School Management initiated disciplinary action against a non-teaching staff namely, Tmt.S.Geetha who has undergone medical leave from 29.04.2008 to 30.04.2008 without permission and on joining duty once again underwent medical leave for

28 days from 03.06.2008 and she was continuously absenting herself on very many occasions. She was also referred to Medical Board who opined that it is not due to chronic illness. In this regard, the said staff was issued with show cause notice dated 10.08.2013 as to the reasons for her absence between 29.04.2008 to 07.07.2013 and she submitted her reply on 17.09.2013 and not satisfied with the same, decision was taken to initiate disciplinary proceedings and after affording reasonable and fair opportunity, School Committee took a decision to terminate her from service for her mis-conduct and passed a resolution and forwarded the same to the first respondent through the second respondent seeking approval and since no orders have been passed on the said proposal dated 09.12.2014, the petitioner came forward to file this writ petition.

3.Mr.S.N.Ravichandran, learned counsel appearing for the petitioner would submit that the concerned staff has been provided with all fair and reasonable opportunities to put forth her stand with regard to her long absence and after full fledged enquiry, decision has been taken to terminate her from service and necessary proposal has also been forwarded as early as on 09.12.2014 and since no order has been passed, the petitioner is constrained to approach this Court by filing the writ petition.

4.This Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5.This Court in the light of the facts and circumstances permits the petitioner to submit a reminder to the respondents 1 and 2 along with a copy of this order as well as the copy of the proposal dated 09.12.2014 within a period of two weeks from the date of receipt of a copy of this order and the respondents 1 and 2 on receipt of the same are directed to consider the proposal as well as the reminder on merits and in accordance with law and pass orders within a period of six weeks thereafter and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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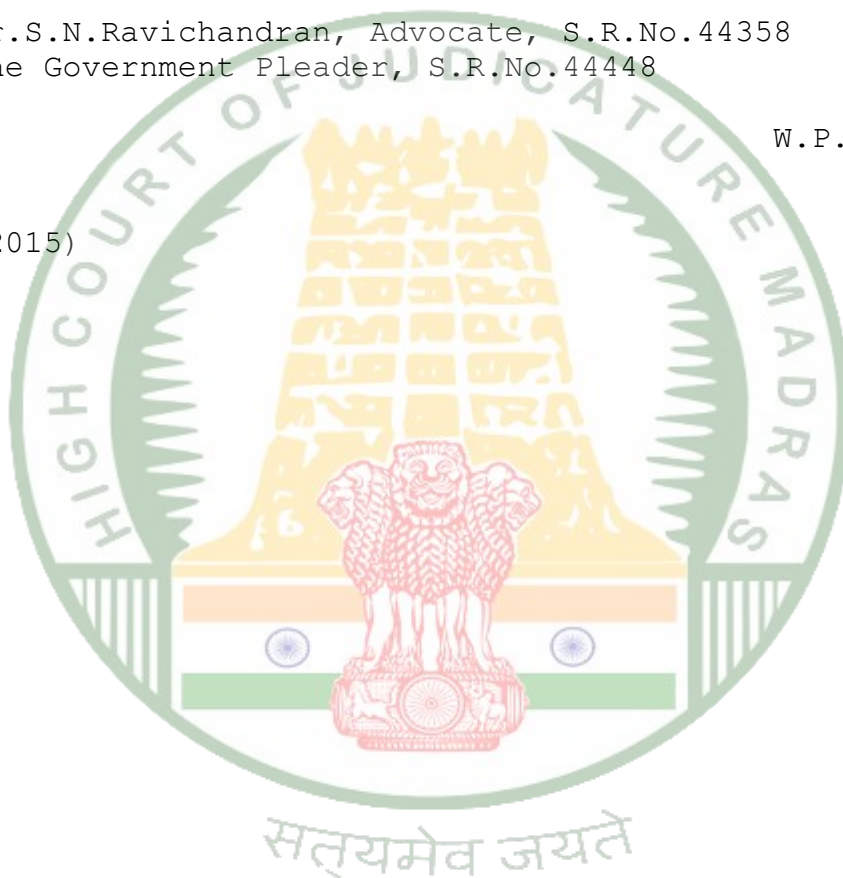
To

1. The Chief Education Officer
Namakal.
2. The District Educational Officer
Namakal.

+lcc to Mr.S.N.Ravichandran, Advocate, S.R.No.44358
+lcc to the Government Pleader, S.R.No.44448

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VD(CO)
CA(08/09/2015)



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