

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.27814 of 2014 and M.P.No.1 of 2014

D.G.M. Higher Secondary School

rep. By its Secretary

G.Maatharasi

Sethiyathope - 608 702

Chidambaram taluk, Cuddalore District

...Petitioner

Vs

1. The State of Tamilnadu

rep. By its Secretary,

School Education Department,

Fort. St.George,

Chennai - 600 009

2. The District Educational Officer,

Cuddalore - 607 001

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records and order of the 2nd respondent dated 14.10.2014 in Na.Ka.No.6069/A4/2013 and quash the same as illegal.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.R.Vijayakumar

Additional Government Pleader

O R D E R

Heard Mr.J.Antony Jesus, learned counsel for the petitioner and Mr.Vijayakumar, learned Additional Government Pleader for the respondents.

2.The petitioner is the Higher Secondary School and is represented by its Secretary G.Maatharasi. The order impugned in the writ petition is an order passed by the 2nd respondent ordering direct payment of salary to the teachers of the petitioner's institution. The petitioner is an aided, non-minority Institution

having been established by Society called Devangudi Ramasamy Mazhavarayar Educational Society and it provides education in tamil medium without collecting fees and has got classes VI to XII and as on date 2,148 students are studying and the petitioner, school has also got english medium, which is a self financed section.

2.It appears that there is some dispute within the society and the procedure of the school committee. One Balakrishnan has given certain complaints based on which the 2nd respondent has passed an impugned order. Prior to the passing of the impugned order, a show cause notice was sent to the petitioner by the 2nd respondent on 25.09.2014. In response thereto, the petitioner by a letter dated 29.09.2014 requested the 2nd respondent to provide a copy of the complaint given by Balakrishnan and permit them to peruse other records and time to submit their objections. Since no reply was received, the petitioner through their counsel sent interim reply on 04.10.2014, which was received by the 2nd respondent on 09.10.2014. Further, the impugned order states that petitioner has not responded to the communication and therefore proceeded to pass impugned order, as if allegations made against the petitioner by Balakrishnan has been established.

3.It is to be noted that the petitioner immediately on receipt of the show cause notice requested the copy of the complaint given by Balakrishnan and also requested for perusal of the records. Therefore, the 2nd respondent ought to have afforded opportunity to the petitioner, without that, the 2nd respondent has proceeded further. That apart, the reply sent through the petitioner's counsel, which by way of interim reply was also not considered.

4.For all the above reasons, this Court is of the view that the matter required to be re-considered by the 2nd respondent. Accordingly, the petitioner is directed to treat the impugned proceedings as show cause notice and the petitioner is permitted to send a detailed reply to the proceedings within a period of two weeks from the date of receipt of copy of this order. Thereafter, the 2nd respondent shall afford opportunity of personal hearing to the petitioner and pass a reasoned order on merits and in accordance with law within a period of three weeks after conclusion of the personal hearing.

With the above observation, this Writ Petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

To Sub Assistant Registrar

1. The Secretary,
The State of Tamilnadu
School Education Department,
Fort. St.George,
Chennai - 600 009

2. The District Educational Officer,
Cuddalore - 607 001

1 cc to Mr. J.Antony Jesus, Advocate, SR.No.6072

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lrs(co)
pmk.25.2.2015

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