

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.3465 of 2015
& M.P.No.1 of 2015

1 K.S.O.High School
Rep by its Secretary
Mr.S.Ganapathy
Manganallur, Myladuthurai
Nagapattinam District .. Petitioner

Vs.

1 The Chief Education Officer
Nagapattinam
2 The District Education Officer
Mayiladuthurai
Nagapattinam District
3 R.Raja Narayanan .. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondents 1 and 2 to approve and pass final orders under section 22(2) of Tamil Nadu Recognized Private Schools Act, 1973 on the resolution dated 1.12.2014 by petitioners School Committee for dismissal of the 3rd respondent from the post of Head Master of the Petitioner School.

For Petitioner : Mr.J.Nandagopal
For Respondents : Mr.P.Sanjay Gandhi, AGP
for R1 and R2
Mr.Balan Haridas for R3

O R D E R

The third respondent was appointed as Headmaster of K.S.O.High School by the writ petitioner. The petitioner initiated disciplinary proceedings against the third respondent. Initially he was suspended from service on 9.10.2013. The third respondent was ultimately dismissed from service by order dated 1.12.2014. The petitioner submitted an application for approval before the second respondent. The proposal was made on 8.1.2015. Since follow up action was not taken by the second respondent pursuant to the said proposal, the petitioner is before this Court.

2. The third respondent filed a counter affidavit indicating that the enquiry was not conducted in accordance with law. According to the third respondent, he was not paid subsistence allowance during the currency of the proceedings. The third respondent further contended that he has not committed any misconduct as alleged by the petitioner.

3. There is no dispute that the proposal made by the petitioner to approve the order of dismissal of the third respondent is pending before the second respondent. The second respondent is expected to consider the proposal in the light of Section 22(2) of the Tamil Nadu Recognized Private Schools Act, 1973.

4. The second respondent is directed to consider and dispose of the proposal made by the petitioner dated 8.1.2015 on merits and as per law. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order. The third respondent should be given an opportunity of hearing before passing final orders by the second respondent. It is needless to point out that the entire subsistence allowance should be paid to the third respondent by the petitioner before the disposal of the matter by the second respondent.

5. The Writ Petition is disposed of with the above direction. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr

To

1 The Chief Education Officer
Nagapattinam

2 The District Education Officer
Mayiladuthurai
Nagapattinam District.

1 cc to M/s. J.Nandagopal, Advocate, SR.No.16378
1 cc to Mr.Balan Haridas ,Advocate, SR.No.16481
1 cc to Government Pleader SR.No.16689

ca(co)pmk.10.4.2015

W.P.No.3465 of 2015