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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2015

CORAM :

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

Writ Petition (MD) No.1578 of 2015

and

MP (MD) Nos.1 & 2 of 2015

S.S.Muthu Chettiar Memorial High School,
Oonjampatti,
Rajapalayam Range,
Virudhunagar District through its
Secretary,
M.Sadhasivam

... Petitioner

Vs.

1.The Director of School Education (Secondary)
College Road, Chennai 6

2.The Chief Educational Officer,
Virudhunagar.

3.The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 3rd respondent in Na.Ka.No.4568/A2/2012 dated 30.01.2015 and quash the same.

For Petitioner

: Mr.K.K.Kannan

For Respondents

: Mr.J.Gunaseelan Muthiah,
Government Advocate.

ORDER

Heard the learned counsel appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Government Advocate, who takes notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.This writ petition has been filed challenging the show cause notice dated 30.01.2015 issued by the third respondent calling upon the petitioner to show cause as to why the direct payment should not be made to the petitioner school since the proposals sent for approval of change of educational agency was rejected.

3.The grievance of the petitioner is that as against the order rejecting the request for approval of change of educational agency, the petitioner has already filed an appeal before the appellate authority and when the said appeal is pending and not yet disposed of, issuance of show cause notice is not warranted.



4. Needless to say that the impugned proceedings being a show cause notice, this Court cannot interfere with the same as it is for the petitioner to satisfy the authorities by giving proper explanation to the said show cause notice.

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5. It is seen that the petitioner has already made a reply to the show cause notice on 05.02.2015 and therefore, it is for the third respondent to consider and pass appropriate orders on merits and in accordance with law. Since, it is stated that the salary to the teachers are not being paid in view of the impugned proceedings, I direct the third respondent to pass appropriate orders on the reply filed by the petitioner within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Director of School Education (Secondary)
College Road, Chennai 6

2. The Chief Educational Officer,
Virudhunagar.

3. The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

+1cc to Mr.K.K.Kannan, Advocate, SR.No.5950

+1cc to Special Govt. Pleader SR.No.6236

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sms

PA/19.02.15/2P/6C