

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.4.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.3838 of 2015

Palaniammal Higher Secondary School,
represented by its Secretary
Kaliayapuram
Pollachi Taluk,
Coimbatore District.

.. Petitioner

Vs

1. The Government of Tamilnadu,
represented by its Principal Secretary,
School Education Department,
Fort. St. George,
Chennai 600 009.
2. Joint Director of School Educational
(Higher Education), Chennai 600 006.
3. The Chief Educational Officer,
Office of the Chief Educational Officer,
Coimbatore.
4. The District Educational Officer,
Office of the District Educational Officer,
Pollachi.

5. M. Subramaniam

.. Respondents.

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the concerned records from the respondent Nos.1 to 3, quash the order of the 1st respondent bearing Govt. Lr. (1d) No.226 dated 16.09.2014 and the consequential order of the 2nd respondent dated 3.11.2014 bearing Na.Ka.No.17703/W5/E3/2014 and the order of the 3rd respondent bearing Na.Ka.No.0578/A2/2010 dated 05.1.2015.

For Petitioner : Mr.Balan Haridas

For Respondents : Mrs.M.E.Raniselvam,
Addl. Govt. Pleader for R1 to R4.
Mr. M. Easan for R5

ORDER

Heard Mr. Balan Haridas, learned counsel appearing for the petitioner and Mrs.M.E.Raniselvam, learned Addl. Govt. Pleader appearing for respondents 1 to 4 and Mr.M.Easan learned counsel appearing for R5 and by consent the Writ Petition is taken up for final disposal.

2. The Petitioner is the Management which initiated disciplinary proceedings against the 5th respondent and concluded the proceedings against him, resulting in the order of his dismissal. After passing the said order, the 3rd respondent viz., the Chief Educational Officer, Coimbatore gave his approval, approving the order of dismissal on 21.6.2011. Thereafter, the 5th respondent preferred an appeal before the 2nd respondent viz., the Joint Director of School Education (Higher Education), Chennai 600 006 on 6.8.2011. After hearing the parties, the 2nd respondent rejected the appeal filed by the 5th respondent by an order dated 8.12.2011.

3. It appears that the 5th respondent preferred an appeal before the Private Schools Tribunal (Principal Subordinate Judge Court), Tirupur. Despite the same, a further appeal is said to have been made by the petitioner before the 1st respondent. The 1st respondent, unfortunately without hearing the petitioner, passed an order setting aside the order of dismissal by remanding back the matter for fresh consideration after finding procedural irregularities. Consequent to the said order, the respondents 2 and 3 have asked the petitioner to comply with the said order. Challenging the aforesaid three orders, the present Writ Petition has been filed.

4. Perusal of the order impugned dated 16.9.2015 would show that the petitioner has not been heard. The statute requires hearing to the petitioner. The said order certainly has got civil consequences. Thus, on the sole ground of violation of principles of natural justice, the order impugned dated 16.9.2014 is hereby set aside. Consequently, the 1st respondent is directed to re-hear the appeal petition filed by the 5th respondent dated 7.2.2013 again, after affording an opportunity of personal hearing to the parties concerned and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. Further, the statement made by the counsel for the 5th respondent that the pending appeal before Private Schools Tribunal (Principal Subordinate Judge Court), Tirupur would be withdrawn is hereby recorded.

6. In fine, the Writ Petition is allowed on the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

msr

To

1. The Principal Secretary
Government of Tamilnadu,
School Education Department,
Fort. St. George,
Chennai 600 009.
2. Joint Director of School Educational
(Higher Education), Chennai 600 006.
3. The Chief Educational Officer,
Office of the Chief Educational Officer,
Coimbatore.
4. The District Educational Officer,
Office of the District Educational Officer,
Pollachi.

1 cc to M/s. Balan Haridas, Advocate, Sr. 25343
1 cc to M/s. M. Easan, Advocate, Sr. 25335
1 cc to Government Pleader, Sr. 25820

W.P.No.3838 of 2015

MP (CO)
kk 6/5

WEB COPY