

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 13.7.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23819 of 2016

T.Gajalakshmi

.... petitioner

versus

1 The Secretary to the Govt.
School Education Department
Fort St. George
Chennai-9.

2 The Director of Elementary
Education EVK Sampath Building
Nungambakkam Chennai-6.

3 The District Elementary
Educational Officer Nagapattinam
Nagapattinam District.

4 The Assistant Elementary
Educational Officer
Vedaranyam, Vedaranyam
Taluk Nagapattinam District.

5 The Secretary
Vinayagar Aided Elementary School
Pandaranthankadu
Pushpavanam, Vedaranyam
Taluk Nagapattinam District.

... respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records in relates to the proceedings of the fourth respondent in Na.Ka.No.979/A1/2016 dated 26.05.2016 and consequential show cause notice issued by the fifth respondent in Na.Ka.No.4/2016 dated 21.06.2016 and quash the same and consequently direct the respondents to allow the petitioner in service peacefully.

For petitioner ... Mr.V.Kasinatha Bharathi

For respondents ... Mr.M.Digvijaya Pandian, A.G.P.,
for respondents 1 to 4

O R D E R

Heard Thiru.V.Kasinatha Bharathi, learned counsel for the petitioner and Thiru.M.Digvijaya Pandian, learned Additional Government Pleader for respondents 1 to 4.

2. With the consent of both the sides, the Writ Petition is taken up for disposal.

3. In the light of the order that the Court proposes to pass, notice to the fifth respondent is dispensed with.

4. The petitioner is working as a secondary grade teacher in the fifth respondent school, which is an aided school. She has been functioning in the said post from 1993 onwards. It appears that there is some misunderstanding between the petitioner and the school management which has resulted in series of memos being issued to the petitioner. First of such memo was issued by the management on 24.3.2016, alleging that the petitioner attended her daughter's marriage on 7.2.2016, while she was on medical leave between 19.1.2016 and 14.2.2016. The petitioner has given a detailed reply to the same. Apart from that, the petitioner has also sent a notice through her counsel stating that she need not be harassed by issuing vexatious memos.

5. While the matter stood thus, the fourth respondent has issued a memo, dated 26.5.2016, invoking power under Rule 17A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, alleging that the petitioner has not completed the syllabus and submitted the results in respect of classes which she is handling. The petitioner submitted a detailed reply dated 28.5.2016. In the meantime, one more memo has been issued by the fifth respondent school.

6. The learned Government Advocate appearing for the fourth respondent submitted that the fourth respondent will pass orders on the petitioner's explanation.

7. In the light of the above, there will be a direction to the fourth respondent to consider the petitioner's explanation dated 28.5.2016, afford an opportunity of personal hearing to the petitioner, verify the records if any, that may be produced by the petitioner, and thereafter, pass a speaking order, on merits and in accordance with law. It is needless to state that the fourth respondent should act in an independent manner, unbiased by any input or information that may be given by the fifth respondent school.

8. The above direction shall be complied with, within a period of eight weeks from the date of receipt of a copy of this order. Till a decision is taken, the fourth respondent shall issue appropriate direction to the fifth respondent management not to precipitate the matter further.

9. The Writ Petition is disposed of accordingly. No costs. Consequently, W.M.P.Nos.20436 and 20437 of 2016 are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to the Govt.
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- 5 The Secretary
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Pandaranthankadu Pushpavanam Vedaranyam
Taluk Nagapattinam District.

+1cc to Mr.V. Kasinatha Bharathi, Advocate, S.R.No.39042
+1cc to the Government Pleader, S.R.No.39333

RSI(CO)
EU(05/08/2016)

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