



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2016

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.1148 of 2016

and

W.M.P (MD) No.954 of 2016

M.Sathaiah

: Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Director of Adi Dravidar Welfare Board,
O/o.The Directorate of Adi Dravidar Welfare Board,
Chennai.
3. The District Adi Dravidar Welfare Officer,
O/o.District Adi Dravidar Welfare Officer,
Collectorate, Thoothukudi.
4. The Chief Educational Officer,
O/o.Chief Educational Office,
Devarpuram Road, Thoothukudi.
5. The District Educational Officer,
O/o.District Educational Office,
Kovilpatti Road, Thoothukudi.
6. Muthu Karuppan Harijan Higher Secondary School
rep. by its Secretary, Subbammalpuram,
Sillankulam Post, Ottapidaram Taluk,
Thoothukudi District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring that the oral termination of the petitioner from service as B.T.Assistant (Social Science) from the 6th Respondent School by the 6th Respondent is illegal and arbitrary and consequently directing the Respondents 1 to 5 herein to ensure the petitioner to discharge his duties as B.T.Assistant (Social Science) in the 6th Respondent school without any hindrance by the 6th Respondent by taking action against the 6th Respondent school for illegally keeping the petitioner away from the school, based on the petitioner's representation dated 03.12.2015.



For Petitioner

: Mr.G.Thalaimutharasu

For Respondents 1 to 5

: Mr.V.R.Shanmuganathan,
Special Government Pleader.

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O R D E R

This Writ of Declaration has been filed to declare that the oral termination of the petitioner from service as B.T.Assistant (Social Science) from the sixth respondent school by the sixth respondent is illegal, arbitrary and consequently to direct the respondents 1 to 5 to ensure the petitioner to discharge his duties as B.T.Assistant (Social Science) in the sixth respondent school without any hindrance by taking action against the sixth respondent school for illegally keeping the petitioner away from the school, based on the petitioner's representation dated 03.12.2015.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 5.

3.The brief facts leading to the filing of this writ petition are as follows:

The petitioner has been appointed as B.T.Assistant (Social Science) in the sixth respondent school. The service of the petitioner was brought into regular service under the District Adi Dravidar Welfare Office from 01.06.2006. The sixth respondent school is acting against the interests of the petitioner and other teachers. Since the petitioner sent representation to respondents 1 to 5 praying to take action against the sixth respondent, the petitioner has not been permitted to sign in the Attendance Register and to take classes from 15.09.2015 onwards. The petitioner made an appeal to the sixth respondent management on 01.12.2015. But, it was orally informed that the petitioner has been terminated from the school. The petitioner has sent a representation dated 03.12.2015 to respondents 1 to 5 praying to take action against the sixth respondent Management and to ensure the continued employment of the petitioner (to discharge his duties as B.T.Assistant). Since it was informed that the termination is oral, the petitioner is driven to the extent of filing this writ petition.

4. It is the grievance of the petitioner that the authorities did not consider the representation of the petitioner, dated 03.12.2015.

5.The learned counsel for the petitioner would submit that <https://www.ecmso.org/hcse/ncse/> prayer is widely worded, it would suffice if the representation of the petitioner is considered by the fifth respondent within a time frame.



6. Heard the learned Special Government Pleader appearing for the respondents 1 to 5 on the submission made by the learned counsel for the petitioner.

7. *Prima facie*, this Court is of the opinion that providing the order of termination in writing is proper, as it gives an opportunity to challenge the grounds of termination. Therefore, it is improper on the part of the respondents to contend that the termination is oral.

8. In view of the above, the fifth respondent is directed to consider the representation of the petitioner dated 03.12.2015 and to pass orders on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector, Thoothukudi District, Thoothukudi.
2. The Director of Adi Dravidar Welfare Board,
O/o. The Directorate of Adi Dravidar Welfare Board, Chennai.
3. The District Adi Dravidar Welfare Officer,
O/o. District Adi Dravidar Welfare Officer,
Collectorate, Thoothukudi.
4. The Chief Educational Officer,
O/o. Chief Educational Office, Devarpuram Road, Thoothukudi.
5. The District Educational Officer,
O/o. District Educational Office, Kovilpatti Road, Thoothukudi.

+1cc to M/s. G. Thalaimutharasu, Advocate, in SR No. 78248.

+1cc to Special Government Pleader in SR.No. 79008.

ORDER MADE IN
W.P(MD) No. 1148 of 2016
and W.M.P (MD) No. 954 of 2016
01.12.2016