



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA
W.P(MD)No.19779 of 2016
and
W.M.P(MD)No.14274 of 2016

V.Nagammal

: Petitioner

Vs.

1.The District Educational Officer,
Nagercoil Educational District,
Nagercoil.

2.The School Committee through its Secretary,
S.M.R.V. Higher Secondary School,
Vadasery, Nagercoil - 629 001,
Kanyakumari District.

3.K.Manikandan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the proceedings of the Secretary, SMRV Higher Secondary School, Vadasery, Nagercoil-629 001 in No.033/2016, dated 04.10.2016 of the second respondent and quash the same.

For Petitioner

: Mr.M.Vallinayagam
Senior Counsel for Mr.D.Nallathambi

For Respondent No.1

: Mr.A.Muthukaruppan,
Additional Government Pleader.

For Respondents 2 and 3: Mr.Isaac Mohanlal

Senior Counsel for Mr.M.P.Senthil

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorari to quash proceedings of the second respondent dated 04.10.2016 made in No.033/2016, whereunder the petitioner was placed under suspension.

2.Heard the learned senior counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned senior counsel appearing for the respondents 2 and 3.



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

The petitioner is working as the Headmistress in S.M.R.V. Higher Secondary School, Vadasery, Nagercoil, which is run by a registered society, by name, 'Vadasai Nagar Hindu Matha Valliyoor Saliyar Kalvi Niruvanam'.

3.1. After conducting election, the elected Secretary has resigned and thereafter one Mr.N.Natarajan was elected as Secretary and he also resigned and the second respondent has been selected as Secretary, later.

3.2. The second respondent interfered with the internal administration of the school. He nominated one K.Kumarasamy as President of the school committee. In between 13.06.2016 and 24.08.2016, there was no school committee meeting and no charge memo was either framed or served upon the petitioner till 24.08.2016. Subsequently, through Resolution No.6, in the meeting held on 24.08.2016, it is mentioned that a charge memo, dated 13.07.2016, was issued to the petitioner and the same was refused by her. Thereafter, the second respondent issued the charge memo, dated 31.08.2016, to the petitioner, levelling certain allegations against her. Subsequently, the Secretary, by his proceedings dated 04.10.2016, placed the petitioner under suspension. Therefore, this writ petition has been filed praying to quash proceedings of the second respondent dated 04.10.2016 made in No.033/2016.

4. The main contention of the learned senior counsel appearing for the petitioner is that the Secretary has no authority to issue either the charge memo or the order of suspension and therefore, both are illegal.

4.1. The learned senior counsel appearing for respondents 2 and 3 would submit that the school committee has delegated the powers of placing the petitioner under suspension and to take consequential actions against the petitioner to the Secretary and therefore, it is valid.

5. However, when the matter is taken up for hearing, the learned senior counsel appearing for the respondents 2 and 3, would submit that the suspension order dated 04.10.2016 has already been revoked by the order dated 21.10.2016. But it was also pointed out that the circumstances under which the suspension order came to be revoked has been pointed out by the petitioner in the connected writ petition in W.P.(MD) No.20762 of 2016 and that the liberty granted in W.P.(MD) No.20762 of 2016 would be applicable to this writ petition also.



6. Recording the submission made by the learned counsel appearing for the respondents 2 and 3, this writ petition stands closed. Consequently, connected Miscellaneous Petition is closed.

Sd/

Deputy Registrar(J)

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/True Copy/

Sub Assistant Registrar.

To

The District Educational Officer,
Nagercoil Educational District,
Nagercoil.

+1CC to M/S.M.P.Senthil, Advocate, SR.No. 70146

ORDER MADE IN
W.P(MD)No.19779 of 2016
and
W.M.P(MD)No.14274 of 2016
17.11.2016

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AM/SS3/03.01.2017/3P/3C