



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20762 of 2016

and

W.M.P (MD) Nos.14834 and 15748 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 in Na.Ka.No.33/2016, dated 31.08.2016 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

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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 31.08.2016 made in Na.Ka.No.33/2016, whereunder enquiry was ordered to be conducted against the petitioner.



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 in 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 that the petitioner refused the same. Thereafter, the second respondent issued a 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 31.08.2016 made in Na.Ka.No.33/2016.

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 the 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. When the matter was taken up for hearing, the learned senior counsel appearing for the respondents 2 and 3, would submit that the Management may be permitted to revoke the charge memo dated 31.08.2016 with liberty to proceed in accordance with law and that the impugned charge memo would be withdrawn by the management by 18.11.2016.



6. Recording undertaking given on the side of respondents 1 and 2 that the charge memo dated 31.08.2016, will be withdrawn by the management by 18.11.2016, this writ petition is closed, with liberty to the respondents to proceed against the petitioner in accordance with law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Deputy Registrar(J)

/True Copy/

Sub Assistant Registrar.

To
The District Educational Officer,
Nagercoil Educational District,
Nagercoil.

+1CC to M/S.D.Nallathambi, Advocate, SR.No. 70377
+1CC to M/S.M.P.Senthil, Advocate, SR.No. 70145

ORDER MADE IN
W.P(MD)No.20762 of 2016
and
W.M.P(MD)Nos.14834 and 15748 of 2016
17.11.2016

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AM/SS3/03.01.2017/2P/4C