

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 01.06.2016****CORAM:****THE HONOURABLE Mr.JUSTICE T.RAJA****W.P. (MD) Nos.9000 and 9001 of 2016****and****W.M.P. (MD) Nos.7181 and 7182 of 2016****W.P. (MD) No.9000 of 2016:**

S.P.Unnamalai

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Department of School Education,
Fort St.George,
Chennai - 09.
- 2.The Director of School Education,
Chennai - 06.
- 3.The Chief Educational Officer,
Pudukkottai,
Pudukkottai District.
- 4.The District Educational Officer,
Pudukkottai,
Pudukkottai District.
- 5.V.V.Higher Secondary School,
Rep.by its Secretary,
Ponnamaravathi,
Pudukkottai District 622 407.

6.M.Manickam

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 4 and 5 to restore the service register of the petitioner and provide all the pending service benefits to petitioner within a time stipulated by this Court.

W.P. (MD) No.9001 of 2016:

A.Subramanian

<https://hcservices.ecourts.gov.in/hcservices/>

... Petitioner

Vs.



- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai - 09.
- 2.The Director of School Education,
Chennai - 06.
- 3.The Chief Educational Officer,
Pudukkottai,
Pudukkottai District.
- 4.The District Educational Officer,
Pudukkottai,
Pudukkottai District.
- 5.V.V.Higher Secondary School,
Rep.by its Secretary,
Ponnamaravathi,
Pudukkottai District 622 407.

6.M.Manickam

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 4 and 5 to restore the service register of the petitioner and provide all the pending service benefits to petitioner within a time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.T.S.Mohamed Mohideen, AGP for R1 to 4

COMMON ORDER

Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader takes notice for the respondents 1 to 4. By consent of both parties, the Writ petition itself is taken up for final disposal.

2.The petitioners, who are working as Post Graduate Assistants in the 5th respondent School, have approached this Court, seeking to issue a Writ of Mandamus, directing the respondents 4 and 5 to restore the service registers of them and provide all the pending service benefits to them within a time frame.

3.The case of the petitioners is that due to misplacement of service registers of the petitioners, they are not able to get promotion to the higher posts. When representations were made to

the 5th respondent, the Headmaster of the 5th respondent school has falsely communicated to the 4th respondent, stating that the service registers of the petitioners are only available with the petitioners. Therefore, the petitioners sought for a direction to the respondents 4 and 5 to restore the service registers of them and provide all pending service benefits.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

5. This Court is not able to find any merit in these Writ petitions for reason that the petitioners are already issued with show cause notice dated 29.03.2016, stating that the service registers of the petitioners are with them, since they had taken back from the 5th respondent school on 22.08.2012 for pursuing his higher studies viz., M.Phil., and when the enquiry is pending on the very same issue, the petitioners ought not to have come to this Court, without giving reply to the said show cause notices.

6. At the time of argument, the learned counsel for the petitioners restricted his prayer to the effect that the respondents 4 and 5 may be directed to complete the enquiry based on the show cause notice dated 29.03.2016 expeditiously.

7. In view of the said submission, this Court directs the 5th respondent to expedite the enquiry and pass appropriate orders at the earliest.

8. The Writ petitions are dismissed. No costs. Consequently, connected W.M.Ps. are closed.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary, Department of School Education, Fort St. George, Chennai - 09.
2. The Director of School Education, Chennai - 06.
3. The Chief Educational Officer, Pudukkottai, Pudukkottai District.
4. The District Educational Officer, Pudukkottai, Pudukkottai District.
5. The Secretary, V.V. Higher Secondary School, Ponnamaravathi, Pudukkottai District 622 407.

+2cc to Mr. T. Lajapathi Roy, Advocate in SR.No.27682

+1cc to Government Pleader in SR.No.27671

<https://hcservices.mys.gov.in> I/09.06.2016/3P/9C

W.P. (MD) Nos. 9000 and 9001 of 2016
02.06.2016