



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.14105 of 2013andM.P(MD)No.1 of 2013

Sokkalal Higher Secondary School,
Rep by its Secretary, Mr.S.Paulraj,
S/o.K.Soosaimarian,
No.172 A, Second Street, Shanthi Nagar,
Palayamkottai,
Tirunelveli Town & District.

... Petitioner

vs.

1)The Director of School Education,
College Road, D.P.I Campus, Chennai-600 006.

2)The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

3)The District Educational Officer,
Cheranmahadevi, Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to pass an order of removal of Mr.A.Karuppasamy, a secondary grade teacher who left the service since 19.07.2000 on the basis of resolutions passed by the petitioner school, Mr.Karuppasamy's letter dated 14.02.2003 and also followed by the proceedings of the 2nd respondent bearing Na.Ka.No.8886/A/2/2012 dated 28.08.2012 and consequently direct the 2nd and 3rd respondents to approve the proposal on submitting by the petitioner school to fill-up the said vacancy within a stipulated period of time that may be fixed by this Hon'ble Court.

For Petitioner	: Mr.S.Siva Ilayaraja
For Respondents	: Mr.S.Chandrasekar, Government Advocate

ORDER

Sokkalal Higher Secondary School, represented by its Secretary Mr.S.Paulraj, Palayamkottai, Tirunelveli District, has filed the present writ petition for issuance of a Writ of Mandamus, directing the Chief Educational Officer, Tirunelveli District/2nd respondent herein, to pass an order of removal of Mr.A.Karuppasamy, Secondary Grade Teacher, who left the service since 19.07.2000, on the basis of the resolutions passed by the petitioner school, Mr.Karuppasamy's letter dated 14.02.2003 followed by the proceedings of the 2nd

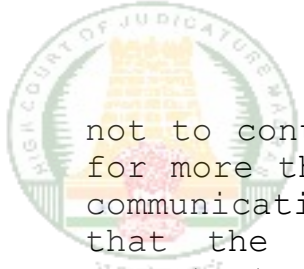


respondent bearing Na.Ka.No.8886/A/2/2012 dated 28.08.2012 and consequently direct the respondents 2 and 3 to approve the proposal of the petitioner school to fill-up the said vacancy within a time frame.

2. During the pendency of the writ petition, the petitioner has filed M.P(MD)No.1 of 2013 to amend the prayer as follows:-

'Writ of Mandamus, directing the 2nd respondent to accord approval of the removal of Mr.A.Karuppasamy, a secondary grade teacher who left the service since 19.07.2000, on the basis of resolutions passed by the petitioner school, Mr.Karuppasamy's letter dated 14.02.2003 and also followed by the proceedings of the 2nd respondent bearing Na.Ka.No.8886/A/2/2012, dated 28.08.2012 and consequently direct the 2nd and 3rd respondents to approve the proposal on submitting by the petitioner school to fill-up the said vacancy within a stipulated period of time that may be fixed by this Hon'ble Court.'

3. Learned counsel for the petitioner would submit that one Mr.A.Karuppasamy son of late Arunagiri, was serving as a Secondary Grade Teacher in a sanctioned post in the petitioner's school and he was subjected to several disciplinary proceedings due to his misbehaviour towards girl students, as a result, orders of suspension and stoppage of increment were issued to him. Thereafter, the School Committee passed a resolution dated 02.08.1999 giving him a last chance to mend his ways, failing which he will be removed from service. Even after the said resolution, Mr.A.Karuppasamy abstained from attending the classes. Subsequently, when he was unauthorisedly absent between 19.07.2000 and 06.12.2000 and no intimation was given to the petitioner's school, again, disciplinary proceedings were initiated after giving due notice to Mr.A.Karuppasamy dated 02.11.2000. On 06.12.2000, the said Karuppasamy also fully participated in the disciplinary proceedings and conceded the charges, hence, the School Committee came to the conclusion that in the interest of the students, Mr.A.Karuppasamy should be removed from service. Accordingly, a resolution dated 06.12.2000 was also passed requesting the respondents 2 and 3 to remove Mr.A.Karuppasamy from service and copy of the resolution dated 06.12.2000 was also forwarded to the Chief Educational Officer on 14.12.2000, requesting him to pass an order of removal of Mr.A.Karuppasamy from service. In spite of reminders and further requests to the 2nd respondent to pass an order removing the said Karuppasamy from service, till date, the 2nd respondent has not passed any order. Since the 2nd respondent directed the petitioner's school and also the 3rd respondent to find out the whereabouts of Mr.A.Karuppasamy, a lookout notice was issued in Dinakaran daily newspaper on 30.08.2002 and only on seeing the said notice, Mr.A.Karuppasamy sent a letter to the petitioner school on 14.01.2003 stating that due to family circumstances, he voluntarily took a decision to abstain from the school. In the said letter, he has also informed that he is no more interested to continue in service. Under this background, the grievance of the petitioner is that since the said Secondary Grade Teacher Mr.Karuppasamy decided



not to continue in service, the sanctioned post is remaining vacant for more than 13 years, therefore, the petitioner school has sent a communication to the 2nd respondent to pass an order of removal, so that the said post can be filled in by appointing any other competent teacher. After waiting for a long time, finding no response, the petitioner was constrained to come to this Court, by filing this writ petition.

4. But this Court is not able to find any justification on the part of the petitioner's school to come to this Court belatedly. When a teacher namely, Mr.A.Karuppasamy is said to have absented from duty between 19.07.2000 and 06.12.2000, the petitioner's school ought to have conducted a proper enquiry, but the documents filed by the petitioner do not show that show cause notice has been issued to the petitioner or any enquiry has been conducted in compliance with the principles of natural justice.

5. Secondly, when Mr.A.Karuppasamy, Secondary Grade Teacher working in the petitioner's school has sent a letter dated 14.01.2003 expressing his desire not to continue in service, it is not known why the petitioner's school has kept quite for so longer to move appropriate application for passing an order of removal of A.Karuppasamy from service. Thirdly, the petitioner's school has not impleaded the said Karuppasamy as one of the parties.

For all these reasons, this Court is not inclined to entertain the writ petition. Hence, the writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(A.S.)

/TRUE COPY/

Sub Assistant Registrar

To

1) The Director of School Education,
College Road, D.P.I Campus, Chennai-600 006.

2) The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

3) The District Educational Officer,
Cheranmahadevi, Tirunelveli District.

Nbi

JA/DB/SAR-III/09.6.2016/3P-4C

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and

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