

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.39214, 39679 & 39739 of 2015

COMMON ORDER:

1. All these three cases are being disposed of by this common order as they involve similar point for consideration by this Court.
2. The petitioners are working as Trained Graduate Teachers in the respondent society. They were asked to perform the duties of junior lecturer and take up the classes for Junior and Senior Intermediate Sections. When the pass percentage of the students was not up to the mark, they were imposed the punishment of stoppage of one/two annual grade increment(s) without cumulative effect, without conducting any enquiry and issuing charge sheet, by proceedings dated 02.05.2015 and 25.05.2015 respectively. Challenging the same, the present writ petitions are filed.
3. A counter-affidavit was filed by the respondents stating that the society adopted a Standing Order No.24/96 dated 25.10.1996 indicating that poor results in Public Examinations will be treated as an instance of deemed professional misconduct on the part of the teacher warranting disciplinary action against him/her including imposition of major penalties. The scale of punishment was also prescribed there under depending on the percentage of the results. The punishment was accordingly imposed on the teachers based on the said Rule 28 and the scale of punishment that can be imposed in respect of performance in the Public Examinations.
4. This Court is not in a position to appreciate the action taken by the respondents in imposing the punishment based on the scale of punishment indicated as annexure to the Society's Standing Order No.1/2012 dated 15.09.2012. Rule 28 of the Conduct Rules adopted by the Society reads as follows:

“Any instance of poor results in Public Examination will be treated as an instance of deemed professional misconduct on the part of the teacher warranting disciplinary action against

him/her including imposition of major penalties.”

5. When a major penalty is sought to be imposed on the basis of the said Rule 28, it is necessary to observe the principle of natural justice since C.C.A Rules are not applicable to the teachers. Since, admittedly, the penalty was imposed depending on the scale of punishment, the impugned orders are set aside and the respondents are directed to consider the cases of the petitioners by giving due opportunity of hearing to them and pass appropriate orders in accordance with law.

6. The Writ Petitions are accordingly allowed to the extent indicated above. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

02-08-2016
Gsn