

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.A No.353 of 2011

M.P.No. 1 of 2015

S.Balasubramaniyan ...Appellant/Petitioner

Vs

1. The Director of Elementary Education,
College Road, Chennai-6.
2. The District Elementary Educational Officer,
Salem District, Salem.
3. The Assistant Elementary Educational Officer,
Gangavalli Panchayat Union,
Gangavalli-636 105, Salem.
4. D.Rajkumar ...Respondents/Respondents

Prayer:- Writ Appeal filed under clause 15 of the Letter Patent against the order in W.P.No.30044 of 2010 dated 24.01.2011.

Writ Petition filed Under Article 226 of the Constitution of India, praying for a Writ of Certiorari to call for the records pertaining to the orders of the 2nd respondent in Na. Ka. No. 8208/A2/2010 dt 23.12.2010 and quash the same.

For Appellant : Mr. S.Kamadevan

For Respondents: Mr.K.Dhananjayan
Special Government Pleader
for R1 to R3

J U D G M E N T

K.K. SASIDHARAN,J.

The appellant filed a Writ Petition in W.P.No.30044 of 2010, challenging the order dated 23 December, 2010, in and by which, he was reverted to the post of Secondary Grade teacher by the District Elementary Educational Officer, Salem. While setting aside the order on the ground of violation of principles of natural justice, the learned Single Judge made certain observations on the merits of the matter. Feeling aggrieved on account of the observations with regard to the merits of the matter, the appellant has come up with this intra court appeal.

2. We have heard the learned counsel for the appellant. We have also heard the learned Special Government Pleader on behalf of the respondents 1 to 3.

3. The order passed by the District Elementary Educational Officer, dated 23 December, 2010 was quashed by the learned Judge only on the ground of violation of principles of natural Justice. While directing the District Elementary Educational Officer, to consider the matter afresh, the learned Judge appears to have made certain observations on the merits of the matter.

4. We direct the District Elementary Educational Officer, Salem, to consider and dispose of the matter, uninfluenced by any of the observations made by the learned single Judge on the merits of the matter.

5. The Writ Appeal is disposed of with the above clarification. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

svki/msvm

To

1. The Director of Elementary Education,
College Road, Chennai-6.
2. The District Elementary Educational Officer,
Salem District, Salem.
3. The Assistant Elementary Educational Officer,
Gangavalli Panchayat Union,
Gangavalli-636 105, Salem.

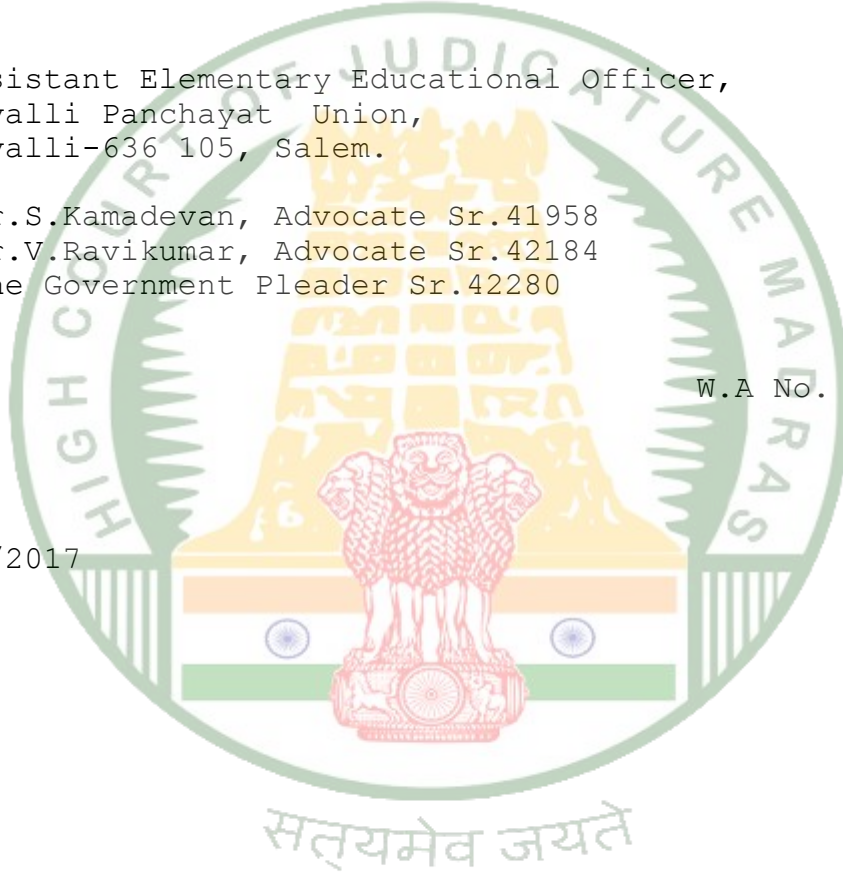
+lcc to Mr.S.Kamadevan, Advocate Sr.41958

+lcc to Mr.V.Ravikumar, Advocate Sr.42184

+lcc to the Government Pleader Sr.42280

W.A No. 353 of 2011

kj[col]
srg 30/06/2017



WEB COPY