

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 05.05.2017

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THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.35224 of 2003
and WMP.No.42810 of 2003

G.Suresh

.. Petitioner

Versus

1.The Secretary,
School Committee,
Hindu Higher Secondary School,
Ambur,
Vellore District.

2.The Chief Educational Officer,
Vellore, Vellore District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorari, to call for the records relating to Ref.No.2003-2004 dated 28.11.2003 and 1.12.2003 of the 1st respondent, quash the same and award costs.

For Petitioner : Mr.V.Ajay Khose

For Respondents : Mr.V.R.Rajasekaran (for R1)
Mr.K.Dhananjayan
Special Government Pleader (for R2)

ORDER

Admittedly, the writ petition is filed challenging the order of termination issued by the 1st respondent.

2. The learned counsel appearing for the writ petitioner submitted that initially interim stay was granted and subsequently, after filing of the contempt application, the writ petitioner was reinstated and the Management proceeded with the disciplinary proceedings. The disciplinary proceedings initiated by the respondents ended with termination and the said termination was challenged by way of an appeal under the provisions of the Tamilnadu Recognised Private Schools (Regulation) Act 1973. The appeal was allowed and the order of termination was set aside.

3. The learned counsel appearing for the 1st respondent submitted that though the order of termination was set aside, liberty was granted to impose any lesser punishment in view of the fact that the order of termination was not in proportionate with the gravity of the charges framed against the writ petitioner.

4. However, this Court is not inclined to go into these facts and circumstances, in view of the fact that the order of suspension is no more in existence and after the conclusion of the disciplinary proceedings and passing of the final order, the suspension order is not in existence and lapsed. Any other subsequent relief to be sought for by the writ petitioner

has to be initiated based on the final order passed in the disciplinary proceedings and accordingly, no further adjudication or order needs to be passed in this writ petition. Hence, the writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected Writ Miscellaneous Petition is closed.

05.05.2017

Index:Yes/No
Internet:Yes/No
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To

The Chief Educational Officer,
Vellore, Vellore District.

S.M.SUBRAMANIAM.J.

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