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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) Nos.159 and 160 of 2017
in
C.M.P. (MD) Nos.1746, 1747 &1748 of 2017

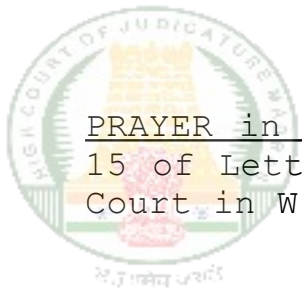
M.Jeyasingh Cruz Angelus

... Appellant in both WAs.

Vs.

- 1.The Chief Educational Officer,
Tuticorin District,
Tuticorin.
- 2.The District Educational Officer,
Tuticorin,
Tuticorin District.
- 3.The Tuticorin Diocesan Association,
Tuticorin,
Tuticorin District.
- 4.The Manager, R.C.Schools,
RC Diocese, Tuticorin,
Tuticorin District.
- 5.Manal Matha Higher Secondary School,
Rep.by its Correspondent,
Sokkenkudieruppu,
Tuticorin District.
- 6.S.Shayaraj Royan,
Correspondent,
Manal Matha Higher Secondary School,
Sokkenkudieruppu,
Tuticorin District.
- 7.T.Gunabalan,
Enquiry Officer,
4/150 A, State Bank colony,
Tuticorin-628 002,
Tuticorin.

... Respondents in both WAs.



PRAYER in W.A.(MD).No.159/2017: Writ Appeal is filed under Clause 15 of Letters Patent Act, against the common order passed by this Court in W.P.(MD)No.7769 of 2016, dated 20.12.2016.

- Vs. -

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Prayer in WP(MD). 7769/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned proceedings issued by the 3rd respondent herein Ref.No.2016/59 dated 25.03.2016 and the subsequent proceedings in Ref.No. 2016/60 dated 26.03.2016 quash the same and direct the Respondents 3 and 6 herein to furnish the additional documents marked on the side of the Management during the enquiry on 19.03.2016 and statement of witness of Management and further direct the Respondents 3 & 6 to give permission to examine defence witnesses with assistance of defence assistant and to pay entire subsistence allowance and reinstating the Petitioner as Headmaster in the 5th respondent School as per Section 22(3) of the Tamil Nadu Recognized Private Schools (Regulatory) Act, 1973.

PRAYER in W.A.(MD).No.160/2017: Writ Appeal is filed under Clause 15 of Letters Patent Act, against the common order passed by this Court in W.P.(MD)No.10221 of 2016, dated 20.12.2016.

Prayer in WP(MD). 10221/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings in Ref.No. 2016/96 dated 24.05.2016 issued by the 4th Respondent herein and to quash the same and consequently direct the Respondents 3 to 5 herein to reinstate the Petitioners as Headmaster in the 5th Respondent school as per Section 22(3) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and direct the Respondents 3 to 5 to pay salary from 25.01.2016, till the date of reinstatement as Headmaster in the 5th respondent School.

For Appellant	: Mr.J.Ashok
For R1 to R3	: Mr.V.Muruganantham
	Additional Government Pleader
For R5	: Mr.V.John Kennedy

J U D G M E N T

[Judgment of the Court was delivered by T.S.SIVAGNANAM,J.]

<https://hcservices.ecourts.gov.in/hcservices/> The present appeals have been filed against the common order passed by this Court in W.P.(MD)Nos.7769 and 10221 of 2016, dated 20.12.2016.



2. Heard the learned counsel for the appellant and the learned counsel for the respondents.

3. These appeals are directed against the order passed by the learned Single Judge, dismissing the writ petitions filed by the petitioner only with an attempt to interdict the departmental proceedings. The petitioner was working as a Headmaster in the fifth respondent School and there has been serious allegation against him of sexual harassment of girl students studying in class 10th and 12th and the petitioner wanted to enter with the departmental proceedings. The learned Single Judge after elaborately considering the matter and taking note of the various decisions of the Honourable Supreme Court, directed that the appellant should participate in the domestic enquiry and accordingly, dismissed the Writ Petitions with directions.

4. We are informed by the learned counsel for the Management that a separate writ petition has been filed by the appellant, there stalled the departmental proceedings. Further, the learned counsel for the Management submits that the allegations are very serious and 5 girl students were given complaint and three of them have deposed in the domestic enquiry, in which the appellant refused to participate. Thus, we find there are no grounds made out by the appellant to interfere with the order passed in W.P.(MD)Nos.7769 and 10221 of 2016, dated 20.12.2016. Accordingly, these Writ Appeals are dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

1.The Chief Educational Officer, Tuticorin District, Tuticorin.

2.The District Educational Officer, Tuticorin,
Tuticorin District.

3.The Tuticorin Diocesan Association, Tuticorin,
Tuticorin District.

+One cc to Mr.J.Ashok, Advocate, SR.No.54155

+One cc to Mr.V.John Kenndey, Advocate, SR.No.53911

+One cc to The Special Government Pleader, SR.No.54299

akv/psd

RL/7C/3P/MR/8.5.2017

W.A.(MD)Nos.159 & 160 of 2017