



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15385 of 2017

WEB COPY

V.K.Peter Rajan

... Petitioner

Vs.

1.The Joint Director of School Education,
Higher Education Department,
Chennai - 6.

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

3.The Secretary,
School Committee,
Ramanathan Chettiar Higher Secondary School,
Puduvayal, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records on the file of the Private School, Appellate Tribunal/ Sub Judge, Devakottai in CMA No.2 of 2008 dated 13.02.2017 and to quash the same.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.D.Muruganandham,
Additional Government Pleader

O R D E R

The learned counsel for the petitioner would submit that the petitioner was appointed as a Teacher in the third respondent school on 10.03.1982, went on leave with result he suffered disciplinary proceedings. Finally he submitted his request for voluntary retirement from service on 18.09.2002 along with fitness certificate. His request for voluntary retirement was rejected on 09.05.2003 and it was finally dismissed by order dated 19.02.2004. Subsequently, approval petition, seeking approval of the order of dismissal, was filed before the Chief Educational Officer, Sivagangai. The approval was granted to the order of dismissal on 19.02.2004.

2. Subsequently, as against the order of dismissal, the petitioner preferred an appeal before the Joint Director, Higher Secondary Education, Chennai on 04.03.2004. When the appeal was preferred, the very same Chief Educational Officer, who passed the



aforesaid dismissal order, on promotion came to be posted as Joint Director, Higher Secondary Education, Chennai, overlooking his own order, granting order of approval to the order of dismissal, confirmed his own order of dismissal. Mr.Karuppasamy, who was the Chief Educational Officer, Sivagangai granted approval to the order of dismissal dated 19.12.2004, ought not to have sat as an appellate authority.

3.On instructions the learned Additional Government Pleader submitted that the very same Chief Educational Officer, Mr.Karuppasamy, who passed the dismissal order, on promotion was posted as Joint Director, Higher Secondary Education and also confirmed the order of dismissal.

4.Further it was submitted that Mr.Karuppasamy, has been transferred from the post of Joint Director, Higher Secondary Education to another post. Therefore, there is no difficulty to re-hear the appeal by another officer.

5.In view of the above submissions, the order, dismissing the appeal filed by the petitioner is liable to set aside and accordingly, the same is dismissed. Further, the first respondent is directed to re-hear the appeal filed by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6.With the above direction,the writ petition is disposed of. No cost.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Joint Director of School Education,
Higher Education Department,
Chennai - 6.

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

3.The Sub Judge, Devakkottai.

+1cc to Mr.H.C.HEROLD SINGH,Advocate,SR. 77501

+1cc to M/S.Special Government Pleader,SR. 77828

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DSK

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