



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.02.2017

Coram

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**THE HON'BLE MR.JUSTICE M.S.RAMESH**

Writ Petition (MD)No.3314 of 2011  
and  
MP(MD)No. 2 of 2011

The Secretary,  
Sithi Vinayagar Primary School,  
Sivagiri-627 757,  
Tirunelveli District.

... Petitioner

**-Vs-**

1. The State of Tamilnadu,  
Rep.by its Secretary,  
Department of School Education,  
Fort St. George, Chennai-600 006.
2. The Joint Director of School Education,  
(Secondary Education),  
College Road, Chennai-600 009.
3. The Chief Educational Officer,  
Tirunelveli, Tirunelveli District,
4. The District Elementary Educational Officer,  
Tirunelveli, Tirunelveli District.
5. The Additional Assistant Elementary  
Educational Officer,  
Vasudevanallur,  
Tirunelveli District.

6.Mr.G.Gopalsamy

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 4<sup>th</sup> Respondent District Elementary Educational Officer vide proceedings in Na.Ka.No.7407/A1/2010 dated 16-11-2010, Quash the same and further direct the 4<sup>th</sup> Respondent District Elementary Educational Officer to give his prior approval for the proposed dismissal of the 6<sup>th</sup> Respondent on disciplinary grounds.



For petitioner : M/S.S.Xavier Rajini  
For Respondents : Mr.T.R.Janarthanan  
Addl. Government Pleader for R1 to R5  
Mr.H.Thayumana Swamy for R6

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**ORDER**

The case of the petitioner is that the petitioner-school had initiated disciplinary proceedings against the sixth respondent, based on which, the School Committee resolved to dismiss him from service. The proposal for dismissal from service was sent to the fourth respondent, which was rejected by him on 16-11-2010. Challenging the said order, the present writ petition has been filed. Pending this writ petition, the sixth respondent sent a request to the petitioner-school to consider the case in view of his service for a long number of years. The petitioner had also considered the case of the sixth respondent sympathetically and had decided to alter the punishment of dismissal from service into one of compulsory retirement, which is acceptable to the sixth respondent. The proposal to alter the punishment has also been sent to the fourth respondent.

2. The learned Additional Government Pleader submits that the said proposal has been received and they would pass appropriate orders.

3. In view of the same, I do not deem it fit to go into the merits of the case, particularly, when the sixth respondent has also accepted the alteration of punishment into compulsory retirement. Hence, there shall be a direction to the fourth respondent to consider the proposal sent by the petitioner-school dated 12.01.2017 in accordance with law and pass orders, within a period four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary,  
State of Tamilnadu,  
Department of School Education  
Fort St.George, Chennai-600 006.
  2. The Joint Director of School Education  
(Secondary Education)  
College Road, Chennai-600 009
  3. The Chief Educational Officer  
Tirunelveli, Tirunelveli District
  4. The District Elementary Educational Officer  
Tirunelveli, Tirunelveli District.
  5. The Additional Assistant Elementary  
Educational Officer, Vasudevanallur,  
Tirunelveli District.
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 5993  
+ 1 CC TO Mr.H.THAYUMANASWAMY, ADVOCATE IN SR No. 6149  
+ 1 CC TO Mr.XAVIER RAJINI, ADVOCATE IN SR No. 6255

PM

TE/SV-MMS : 16/02/2017 : 3P/9C

W.P. (MD) .No.3314 of 2011  
and  
MP (MD) No. 2 of 2011  
02.02.2017