

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.07.2018

CORAM

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP.No.18056 of 2018
and WMP No.21338 of 2018

V.Sridevi

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Petitioner

Versus

- 1.The Government of Tamil Nadu,
Rep. By its Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.
 2. The Director of Elementary Education,
College Road, Chennai 600 006.
 3. The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Tiruppur District.
 4. The Assistant District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Tiruppur District.
- ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified Mandamus to call for the records of the 3rd respondent in Na.Ka.No.464/A5/2017 dated 10.01.2018 and quash the same and consequently, direct the 3rd respondent to forward the Appeal of the petitioner dated 23.11.2017 to the 2nd respondent and for the second respondent to consider the appeal on merit without the reference to the delay in filing the appeal.

For Petitioner : Mr.T.Gowthaman
For Respondents: Mrs.P.Kavitha, Government Advocate

ORDER

The grievance expressed by the petitioner in this writ petitioner is that she was imposed with a punishment of increment cut for one year with cumulative effect in a disciplinary proceedings conducted by the 3rd respondent to

which, she preferred an appeal before the 3rd respondent, who is the forwarding authority to the 2nd respondent. But the 3rd respondent is sitting over the same on the ground that the same is barred by limitation. Since the 3rd respondent is only the forwarding authority and no authority to examine the matter and as such, the petitioner came forward to file this writ petition seeking for a mandamus with a direction to the 3rd respondent to forward the appeal to the 2nd respondent and to the 2nd respondent to consider the same on merits.

2. Heard the learned counsel appearing for parties on either side.

3. Considering the limited relief as sought for by the petitioner, so also, the submission made by the learned counsel appearing for the petitioner appears to have merit, this Court dispose of this writ petition at the stage of admission, directing the 3rd respondent to forward the appeal of the petitioner dated 23.11.2017 to Appellate Authority / 2nd respondent within a period of 7 days from the date of receipt of copy of this order and the 2nd respondent on receipt of the same, shall entertain the appeal on merits and in accordance with law. However, it is made clear that this Court has not express any opinion on the merits of the appeal submitted by the petitioner in any particular manner.

4. The writ petition stands disposed of accordingly. However, there shall be no order as to costs. Consequently Connected Miscellaneous Petition is Closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

rka

To

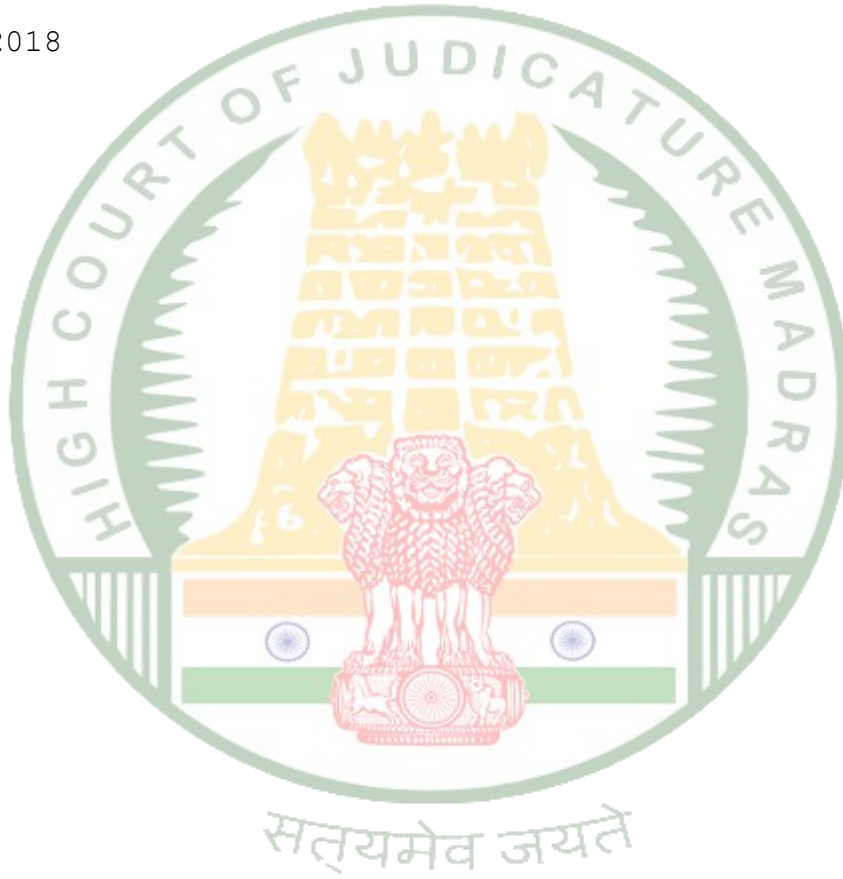
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