

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.30048 of 2018
and
W.M.P.No.35063 of 2018

L.Sivakumar

Vs

... Petitioner

The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari to call for the records relating to the impugned notice issued by the respondent in Na.Ka.NO.027769/14/2008, dated 04.09.2018 and to quash the same.

For Petitioner : Mr.G.Sankaran

For Respondent : Ms.P.Kavitha
Government Advocate

ORDER

Ms.P.Kavitha, learned Government Advocate takes notice for the respondent. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. Challenging the proceedings dated 04.09.2018 issued by the respondent, the petitioner has come up with the present writ petition.

3. By the impugned proceedings, the petitioner was called upon to submit his explanation as to why he should not be dismissed from service as per Rule 8(viii) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, within 15 days.

4. Though the petitioner raised very many grounds to

challenge the impugned proceedings, the learned counsel for the petitioner, after some arguments, submitted that it would suffice, if the petitioner is permitted to submit his objection to the impugned proceedings, for which, the learned Government Advocate appearing for the respondent has no serious objection.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also taking note of the fact that the impugned proceedings is only a show cause notice, this Court directs the petitioner to file his objections to the impugned proceeding by treating it as a show cause notice within a period of two weeks from the date of receipt of a copy of this order, if no order is passed till date. On such filing, the respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of two weeks there from.

6. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ms

To

The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

+1cc to Mr.G.Sankaran, Advocate, S.R.No. 28626
+1cc to the Government Pleader, S.R.No. 79185

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W.P.No.30048 of 2018
and
W.M.P.No.35063 of 2018

NM(CO)
GN(26/12/2018)