



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.418 of 2018

and

W.M.P. (MD) .No.428 of 2018

C.Balamurugan

...Petitioner

Vs.

1.The District Educational Officer,
District Educational Office,
Kovilpatti-628501,
Thoothukudi District.

2.The Secretary,
Ettayapura Raja Higher Secondary School,
Ettayapuram, Thoothukudi District.

3.Ramkumar Raja ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned charge memo issued by the second respondent herein in his proceedings in Na.Ka.No.8 of 2017 dated 29.11.2017 and quash the same as illegal and further direct the second respondent herein not to interfere with the petitioner's right to function as Headmaster of Ettayapuram Raja Higher Secondary School, Ettayapuram, Thoothukudi District.

For Petitioner : Mr.Valllinayagam

Senior Counsel for

Mr.D.Nallathambi

For Respondents : Mrs.S.Srimathy for R1

Special Government Pleader

: Mr.G.Prabhu Rajadurai for R2 &

R3

for Mr.M.Veilkani

ORDER

Heard the learned counsel on either side.

2.The petitioner is working as Headmaster in the second respondent/School. The charge memo issued by the second respondent is questioned primarily on the ground of jurisdiction.



3. According to the learned Senior Counsel appearing for the petitioner, the issuance of charge memo has not been authorised by the School Committee.

4. When the matter was taken up for disposal, Mr. Prabhu Rajadurai, learned Counsel appearing for the respondents 2 and 3 submitted that even though the resolution of the School Committee is very much available for issuance of the charge memo, the same has not reflected in the charge memo. The second respondent would therefore withdraw the said charge memo.

5. Therefore, nothing survives for adjudication in this Writ Petition. It is made clear that the School Management will be at liberty to issue a fresh charge memo in accordance with law.

6. The Writ Petition is closed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To
The District Educational Officer,
District Educational Office,
Kovilpatti-628501,
Thoothukudi District.

+1cc to Mr. D. NALLATHAMBI, Advocate, SR.No. 52072
+1cc to M/s. Special Government Pleader, SR.No. 52507

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TSG
KK/JC/22.03.2018/SAR-1/2P-4C