



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.16966 of 2015

and

MP (MD) Nos.1 to 3 of 2015

V.Anusya

... Petitioner

Vs.

- 1.The Director of Elementary Education,
College Road, Chennai - 600 006.
- 2.The District Elementary Educational Officer,
O/o the District Elementary Educational Officer
Collectorate, Virudhunagar Post & District.
- 3.The Assistant Elementary Educational Officer,
Srivilliputhur, Srivilliputhur Post,
Virudhunagar District.
- 4.The Secretary,
Mankapuram Hindu Primary School,
Mankapuram, Srivilliputhur Post,
Virudhunagar District.
- 5.Jessintha Rani,
Secondary Grade Teacher,
Mankapuram Hindu Primary School,
Mankapuram, Srivilliputhur Post,
Virudhunagar District.

... Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned resolution passed by the fourth respondent on 21.08.2015 and quash the same and consequently direct the respondents to permit the petitioner to continue as Headmistress in Mankapuram Hindu Primary School, Mankapuram, Srivilliputhur Post, Virudhunagar District.



Mr. Herold Singh for R4

Mr. B. Muneeswaran for R5

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ORDER

The writ petitioner was working as Headmistress in the fourth respondent school. By the impugned resolution dated 21.08.2015, she was sought to be reverted to the post of teacher. Admittedly, the impugned order was not preceded by any enquiry or show cause notice.

2. Considering the said circumstances, this Court also while entertaining the writ petition granted an interim order of stay. The order impugned in this writ petition is in violation of principle of natural justice. If the management wanted to proceed against the writ petitioner, it would have to do so in accordance with law. With this liberty, the order impugned in this writ petition is quashed.

3. The learned counsel appearing for the school management contended that the writ petitioner actually wanted to be reverted from the post of Headmistress. This claim is however dismissed. In any event, it is not open to the school management to pass the impugned order. The fourth respondent school management is directed to permit the writ petitioner to discharge her functions of Headmistress forthwith.

4. This writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Director of Elementary Education,
College Road, Chennai - 600 006.
2. The District Elementary Educational Officer,
O/o the District Elementary Educational Officer
Collectorate, Virudhunagar Post & District.
3. The Assistant Elementary Educational Officer,
Srivilliputhur, Srivilliputhur Post, Virudhunagar District.

+One cc to Mr. S. C. Herold Singh, Advocate, SR.No.42901

+One cc to Mr. T. Muruganatham, Advocate, SR.No.42900

+One cc to Mr. M. Saravanakumar, Advocate, SR.No.42704

skm

RL/7C/2P/SV/MMS/SAR1/2/2/2018

W.P (MD) No.16966 of 2015

<https://hcservices.ecourts.gov.in/hcservices/>

and

MP (MD) Nos.1 to 3 of 2015

29.01.2018