



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 19304 of 2014
and
W.M.P. (MD). Nos. 1 & 2 of 2014

The Management Committee,
Gurusamy Middle School,
Ramanathapuram Post -627 760,
Sivagiri Taluk,
Tirunelveli District.
Rep. by its Secretary/Headmaster,
Durai.

.. Petitioner

Vs.

1. The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.

2. G.Rajeshwari

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the impugned order passed by the first respondent dated 20.10.2014 made in Na.Ka.N.3842/A4/2014 and quash the same as illegal and devoid of merits forthwith.

For petitioner : Mr. S.Palanivelayutham
For respondent 1 : Mrs.S.Srimathy
Special Government Pleader

O R D E R

Heard the learned counsel on either side.

2. The petitioner is a School Management. It appears that there is some personal dispute between the Office Bearers of the School Committee and the second respondent. The School Secretary had lodged a criminal case not only against the second respondent but against four teachers also. Citing the same, the second respondent was also suspended from service.



2. The first respondent by the impugned order dated 20.10.2014, has directed the petitioner to reinstate the second respondent in service. The same is assailed in this writ petition.

3. This writ petition was filed way back in November, 2014. We are now in February, 2018. The teachers working in aided school cannot be kept under suspension beyond two months without getting the approval of the department.

4. The learned counsel appearing for the petitioner is not in a position to state the current status of the disciplinary action initiated against the second respondent. Gurusamy Middle School is an aided institution. The department is granting salary grant to the School. Therefore when the first respondent has denied permission to the petitioner/Management and directed the reinstatement of the second respondent, the petitioner/Management ought to have complied with the same. The petitioner/Management is not in a position to show as to how the impugned order is bad in law. This Court finds no merit in this writ petition.

5. This Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 46871

KMI

TE/PN/SAR-2 : 11/07/2018 : 2P/3C

ORDER MADE IN
W.P. (MD) No. 19304 of 2014
05.02.2018