



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

WEB COPY

W.P. (MD) No. 18131 of 2018andW.M.P. (MD) .No. 16038 of 2018

T.Kalaivani

... Petitioner

Vs.

1. The District Education Officer,
Office of the District Education Officer,
Allinagaram,
Theni,
Theni District.

2. The Block Education Officer,
Myladumparai,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned proceedings bearing Na.Ka.No.518/A2/2018, dated 10.08.2018 issued by the second respondent and quash the same.

For Petitioner : Mr.M.Gunana Gurunathan
For Respondents : Mrs.S.Srimathi
Special Government Pleader

ORDER

The petitioner has come forward to file the writ petition to quash impugned proceedings bearing Na.Ka.No.518/A2/2018, dated 10.08.2018 issued by the second respondent.

2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner has produced a copy of the order in W.P.(MD).No.15955 of 2015, dated 03.01.2017, wherein, this Court, while dealing with the similar issue of re-fixation, has interfered with the impugned order therein and remitted the matter. Relevant portion of the said order reads thus:

"... it is open to the respondent to pass appropriate orders after affording an opportunity of hearing to the petitioner. Since the petitioner has already retired from service, the whole exercise shall be completed within a



period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed."

3. The said submission of the learned counsel for the petitioner has also been affirmed by the learned Additional Government Pleader.

4. On a perusal of the order referred to by the learned counsel for the petitioner and also take into account the submission made by the learned Special Government Pleader, it is apparent that the matter is squarely applicable to the facts of the present case. Accordingly, following the said order, this Writ Petition is allowed and the impugned order dated 10.08.2018 is set aside. The matter is remitted back to the second respondent and it is open to the second respondent to pass appropriate orders after affording an opportunity of hearing to the petitioner. The whole exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

/True Copy/

Sub Assistant Registrar(CS IV)

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To

1. The District Education Officer,
Office of the District Education Officer,
Allinagaram,
Theni,
Theni District.

2. The Block Education Officer,
Myladumparai,
Theni District.

1CC TO MR. M. GNANAGURUNATHAN, ADVOCATE SR 79197
1CC TO THE SPL GOVT PLEADER SR 79352

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W.P. (MD) No.18131 of 2018

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