



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twentieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

WMP (MD) Nos.20386 and 7087 of 2018

IN

WP (MD) No.7407 of 2018

WMP (MD) No.20386 of 2018:-

THE SECRETARY,
KARAPETTAI NADAR HIGHER SECONDARY SCHOOL,
THOOTHUKUDI. ... PETITIONER/2nd RESPONDENT

Vs

- 1.R. PONNAIAH, ...1ST RESPONDENT/PETITIONER
- 2.THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI DISTRICT,
THOOTHUKUDI. ...1ST RESPONDENT/1ST RESPONDENT
- 3.THE HEADMASTER
KARAPETTAI NADAR HIGHER SECONDARY SCHOOL,
THOOTHUKUDI. ... 3RD RESPONDENT/3RD RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim stay granted by this Honble court in WMP (MD) NO.7087 of 2018 in WP (MD) NO.7407 of 2018 dated 05.04.2018

WMP (MD) .NO.7087 OF 2018:-

R.PONNAIAH ... PETITIONER/PETITIONER
VS.

- 1.THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI DISTRICT, THOOTHUKUDI.
- 2.THE SECRETARY
KARAPETTAI NADAR HIGHER SECONDARY SCHOOL,
THOOTHUKUDI.
- 3.THE HEADMASTER
KARAPETTAI NADAR HIGHER SECONDARY SCHOOL,
THOOTHUKUDI. ...RESPONDENTS/RESPONDENTS



Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the operation of the order passed by the 2nd Respondent in his proceedings dated 13.03.2018 so as to enable the petitioner to join duty as P.G.Assistant (Tamil) in the 3rd Respondent school, pending disposal of the above WP.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.P.PETHU RAJESH, Advocate for the petitioner IN WMP(MD).No.20386/18 and second respondent in WMP(MD).No.7087/18 and of Mr.D.SRINIVASARAGHAVAN, Advocate for R1 in WMP(MD).No.20386/18 and the petitioner in WMP(MD).No.7087/18 and of Mrs.SRIMATHY, Special Government Pleader for R2 in WMP(MD).No.20386/18 and R1 in WMP(MD).No.7087/18, the court made the following order:-

Heard the learned counsel for the petitioner in W.P(MD)No.20386 of 2018, who is the second respondent in W.P(MD)No.7407 of 2018, learned counsel appearing for the first respondent and the learned Special Government Pleader appearing for the second respondent.

2.The case of the first respondent/writ petitioner is that he was placed under suspension by the Secretary of Karapettai Nadar Higher Secondary School, Thoothukudi without the approval of the School Committee and furthermore the Secretary who has passed the order of suspension itself, is not empowered to act as Secretary. The main allegation made in the grounds of writ petition is that the role of Secretary of the School is to carry out the resolution passed by the School Committee and in the absence of any resolution of the School Committee, the Secretary on his own has no power to take disciplinary action or placing the petitioner under suspension. Therefore, the impugned order of the second respondent is liable to be set aside by this Court.

3.In the affidavit filed along with the vacate stay petition, the petitioner/second respondent has brought to the notice of this Court that on 12.03.2018, the School Committee has resolved to place the writ petitioner under suspension in view of the conduct unbecoming of a teacher and using abusive language inducing communal hatred.

4.Records produced by the petitioner/second respondent also indicates that the second respondent herein namely, N.T.Selvaraj had approached this Court for a writ of mandamus directing the respondents who were officers of Education Department to permit him to continue as Secretary of Karapettai Nadar Higher Secondary School, Thoothukudi. In the said writ petition in W.P(MD)No.19337 of 2017, this Court has granted an order of interim injunction in favour of the petitioner/second respondent. Therefore, the records would clearly indicate that the petitioner/second respondent is the



Secretary of the School and the suspension order which is impugned in the writ petition, is pursuant to the resolution passed by the School Committee.

5. In the light of the above fact, the order of interim stay passed by this Court on 05.04.2018 in W.M.P(MD)No.7087 of 2018 is hereby vacated and accordingly, W.M.P(MD)No.20386 of 2018 is allowed and W.M.P(MD)No.7087 of 2018 is dismissed.

6. Post the main writ petition for disposal on 30.11.2018.

sd/-
20/11/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI DISTRICT, THOOTHUKUDI.

+1. C.C. to Mr.P.PETHU RAJESH Advocate SR.No.21847
+1. C.C. to Mr.D.SRINIVASARAGHAVAN, Advocate SR.No.21862

ORDER
IN
WMP(MD) Nos.20386 and 7087 of 2018
IN
WP(MD) No.7407 of 2018
Date :20/11/2018

AE/PN/SAR2/26.11.2018/3P/4C