



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2018

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.2259 of 2011

and

M.P.(MD)No.1 of 2011

R.Samuel Swamidoss

... Petitioner

Vs.

1. The Enquiry Officer,
The Margoschis Higher Secondary School,
Nazareth, Thoothukudi District.

2. The Correspondent,
The Margoschis Higher Secondary School,
Nazareth, Thoothukudi District.

3. The Chief Educational Officer,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, calling for the records relating to the order dated 17.02.2011 on the file of the second respondent, removing the petitioner from service and quash the same.

For Petitioner	:	Mr.N.Maheswaran
For R2	:	Mr.T.A.Ebenezer
For R3	:	Mr.M.Muthu
		Additional Government Pleader

O R D E R

The order of removal issued by the second respondent in proceedings, dated 17.02.2011 is under challenge in this Writ Petition.

2.The learned counsel appearing for the second respondent made a fair submission that there is an appeal provision in the by-laws to file an appeal to the governing body. Further, it is contended that the governing body being the supreme body in respect of the administration of the school under Dioceses will conduct the appeal proceedings in a fair and reasonable manner and by providing



opportunity to the writ petitioner. The learned counsel appearing for the second respondent further assured that the appeal will be heard in an unbiased manner by the governing body by providing the opportunity to the writ petitioner in all respects.

3. In view of the submission made by the second respondent, the writ petitioner is directed to submit an appeal to the governing body of the second respondent school along with the documents and relevant orders within a period of two weeks from the date of receipt of a copy of this order. On receipt of any such appeal from the writ petitioner, the governing body of the second respondent school is directed to consider the appeal on merits and in accordance with law and by providing opportunity to the writ petitioner and pass orders within a period of twelve weeks thereafter.

4. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Chief Educational Officer,
Thoothukudi District.

+ 1 CC TO Mr.G.PRABHU RAJADURAI, ADVOCATE IN SR No. 41436
+ 1 CC TO Mr.T.A.EBENEZER, ADVOCATE IN SR No. 41076

IA/PJL

TE/SV-MMS/SAR-1 : 22/01/2018 : 2P/4C

W.P. (MD) No. 2259 of 2011 and
M.P. (MD) No. 1 of 2011
09.01.2018