



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.16383 of 2013
and
M.P(MD).No.1 of 2013

R.Samudrapandian

... Petitioner

-Vs-

- 1.The Chief Educational Officer,
Opposite to Telegraph Office,
Thallakulam, Madurai.
 - 2.The District Educational Officer,
Tamukkam,
Opposite to Telegraph Office,
Madurai.
 - 3.The Secretary,
Savithabai (Kovai) Higher Secondary School,
Thirunagar, Madurai.
 - 4.S.M.Seenivel,
The Secretary,
Savithabai (Kovai) Higher Secondary School,
Thirunagar, Madurai.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to permit the petitioner to discharge his duty as Headmaster of Savithabai (Kovai) Higher Secondary School, Thirunagar, Madurai and consequently not to terminate the petitioner except under due process of law.

For Petitioner : Mr.D.Sadiq Raja

For Respondents : Mr.R.Sethuraman
Special Government Pleader for R.1 and R.2

: Mr.C.Venkatesh kuamr for
M/s. Ajamal Associates for R.3

ORDER

The relief sought for in this writ petition is for a direction to direct the third respondent to permit the petitioner



to discharge his duty as Headmaster of Savithabai (Kovai) Higher Secondary School, Thirunagar, Madurai and consequently, not to terminate the petitioner except under due process of law.

2. The writ petitioner was holding the post of Headmaster and certain serious complaints were received against the writ petitioner. In order to escape from the clutches of the department in the disciplinary proceedings, the writ petitioner had submitted a letter on 13.09.2013 to the Secretary of the third respondent school stating that on account of his family circumstances and work burden, he has relinquished his right to the post of Headmaster and accordingly the requested for his continuous of the PG Assistant (Commerce). Based on the relinquishment letter, the writ petitioner was allowed to continue as PG Assistant. Under these circumstances, the writ petitioner has moved this writ petition for a direction to retain him in the post of Headmaster.

3. The learned Special Government Pleader made a submission that the writ petitioner himself had given letter on 13.09.2013 to the Secretary of the school requesting him to relinquish from the post of Headmaster due to the pressure caused by the post and due to the domestic reasons. Though it is not a resignation letter as narrated by the petitioner, it is a relinquishment. Further, the writ petitioner had given such letter in order to escape from the clutches of the disciplinary proceedings, since a large number of complaints were lodged against him. The nature of the complaints against the petitioner are narrated in paragraph 3 of the counter statement filed by the second respondent, which is extracted as follows:-

"3. It is submitted that several complaints were received on the petitioner from the teachers, and the students studying in the school. The were severe complaints. In the complaint received on 05.09.2013 the teacher working in the school have detailed that

a. The petitioner collected Rs.10/- from each student for distributing the school bag, etc, which were given free of cost by the Government.

b. The petitioner collected P.T.A fees at the following rates instead of Rs.25/- permitted in rules.

10th Standard Rs.110/-

12th Standard Rs.120/-

9th Standard Rs.90/-

8th Standard Rs.80/-

7th Standard Rs.70/-

c. The petitioner compelled the class teacher to collect Rs.100/- and Rs.150/- from the students who approach for the Transfer Certificate after passing 10th / 12th standard.

d. The petitioner himself collected Rs.100/- from the students approaching him for the transfer



certificate. For those who deny to give the amount, he was in the habit of recording 'Bad Conduct'.

e. The petitioner collected Rs.1000/- and Rs.500/- from the students approaching for admission in standard 10th and 12th respectively.

f. The petitioner insulted the teachers by using unparliamentary words.

g. The petitioner utilized the students for his house hold work in the school time also.

As the charges were severe in nature the school committee resolved to conduct a detailed enquiry on the charges levelled against the petitioner in a resolution dated 06.09.2013. The petitioner was called for an enquiry by the Secretary of the school on the strength of the resolution dated 06.09.2013. The petitioner although refused all the charges, enquiry was conduct with all the teachers and the students. During the enquiry, it was found that the petitioner was in the habit of collecting unnecessary funds from the students without the knowledge of the school administration and spoiling the reputation of the school. It was in this stage, the School Committee decided to take disciplinary action on the petitioner on the charges levelled against him. The petitioner has suppressed this vital fact in his pleadings."

4.This Court is of an opinion that the writ petitioner was holding the post of Headmaster. On receipt of certain complaints and based on the pressure and on personal grounds, he had relinquished his post of Headmaster on 13.09.2013 and accordingly, he was allowed to continue in the post of PG Assistant. Under these circumstances, the employee, who had relinquished his right to continue in a particular post, cannot claim once again for continuance in the same post.

5.Under these circumstances, this Court is not inclined to consider the case of the writ petitioner at this point of time. Accordingly, this writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Chief Educational Officer,
Opposite to Telegraph Office,
Thallakulam, Madurai.



2.The District Educational Officer,
Tamukkam,
Opposite to Telegraph Office,
Madurai.

+1CC to Mr.T.C.S.Thillainayagam, Advocate, SR.No. 49902

+1CC to the Special Government Pleader SR.No.50250

W.P. (MD) No.16383 of 2013
20.02.2018

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AM/SKN RSK/SAR 1/05.04.2018/4P/5C