

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30887 of 2008

T.Venkatesan

... Petitioner

Vs.

1.The Joint Director of School Education (Secondary Education),
College Road, Chennai - 6.

2.The District Educational Officer,
Devakottai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records connected with the impugned order in Na.Ka.No.101458/G1/E4/08 dated 2.12.2008 passed by the 1st respondent, in confirming the order in Na.Ka.No.2679/A1/2008 dated 20.09.2008 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.A.Kumar

AAG VII

Assisted by

Mr.A.Rajaperumal

Additional Government Pleader

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Certiorari calling for the entire records connected with the impugned order in Na.Ka.No.101458/G1/E4/08 dated 02.12.2008 passed by the first respondent, in confirming the order in Na.Ka.No.2679/A1/2008 dated 20.09.2008 passed by the second respondent and to quash the same.

2.The case of the petitioner is that the petitioner is the Secretary of Zamindar Street High School which was founded by his forefather, in the year 1928, with a noble object to provide

education to the poor, needy and the downtrodden in and around Devakottai and was upgraded as Middle School in the year 1964.

3.It is the further case of the petitioner that the Education Department granted permanent recognition upto Middle School with staff grant. Thereafter, the School was upgraded as High School without teaching grant. The School is governed by the Tamil Nadu Private Schools Regulation Act, 1973. While being so, the second respondent without any notice passed the impugned order for direct payment on two grounds namely, based on the report dated 04.09.2008 submitted by the Committee constituted to enquire the complaints under Domestic violence Act and Sexual Harassment; and failed to disburse the teaching grant to one Meenalochani as per the order in W.P.No.10420 of 2007. Aggrieved by the same, the petitioner has filed this writ petition.

4.The learned counsel for the petitioner would submit that the ground on which direct payment was ordered is un-sustainable one. It is individual error. If at all the respondent Educational Authorities are aggrieved, they may take action against the individual. Further, before passing the impugned order no notice was served on the petitioner and no explanation was called for, which is clear violation of principles of natural justice. Hence, the matter may be remanded back to the Educational Authority for fresh adjudication and the reason for passing the impugned order no longer exist at the present stage and the Teacher who made the allegation has already retired.

5.The learned Additional Advocate General appearing for the State would submit that the direct payment was ordered after perusing the internal Committee Report and as per the order of this Court in W.P.No.10420 of 2007. Though the petitioner claim that the issue involved for direct payment no longer exist at the present stage, this Court may, in order to comply with the principles of natural justice, remand the matter back to the Authorities for fresh consideration.

6.In view of the limited request made by the learned counsel for the petitioner and conceded by the learned Additional Advocate General, I am inclined to remand the matter back to the respondents for fresh consideration. It is open to the petitioner to file necessary documents to disprove the allegation and it is also open to the Educational Authorities to re-visit the impugned order if any sufficient cause shown by the petitioner and the respondents shall furnish the necessary materials to the petitioner to enable him to participate in the enquiry. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1.The Joint Director of School
Education (Secondary Education),
College Road, Chennai - 6.

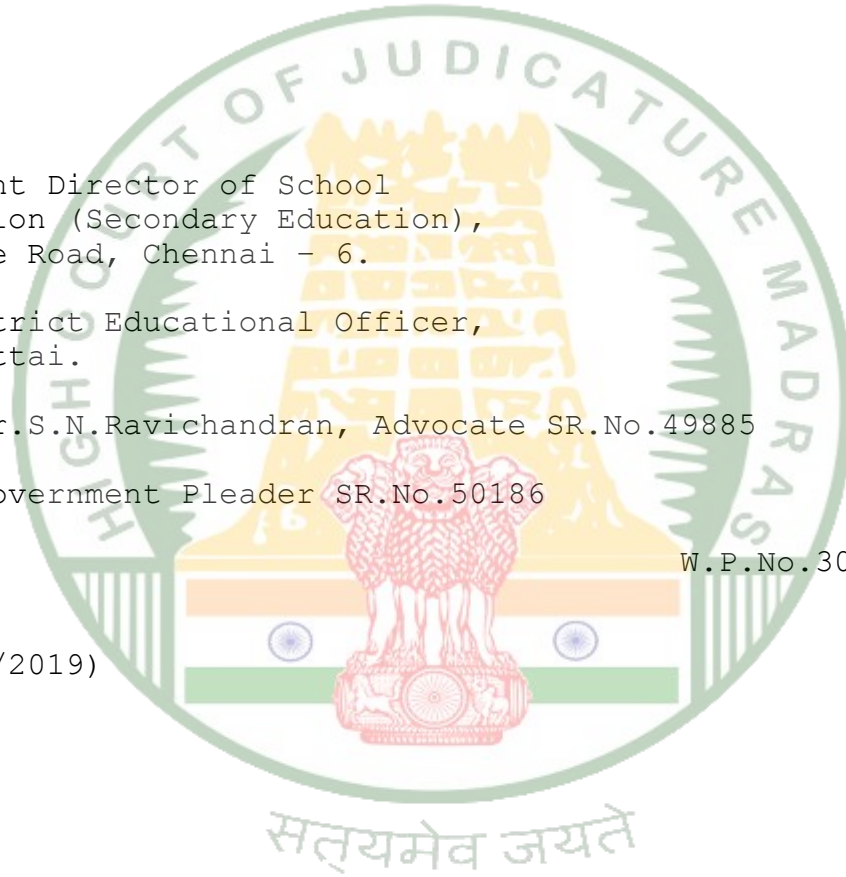
2.The District Educational Officer,
Devakottai.

+1cc to Mr.S.N.Ravichandran, Advocate SR.No.49885

+1cc to Government Pleader SR.No.50186

W.P.No.30887 of 2008

VSN II (CO)
GMY (11/07/2019)



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