

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1941 of 2019
and C.M.P.No.13168 of 2019

V.Venkatesan

..Appellant

-Vs-

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Krishnagiri District, Krishnagiri.

...Respondents

APPEAL filed under Clause 15 of the Letters Patent to set aside the order passed in WP.No.14328 of 2019 dated 16.05.2019 and allow the present Writ Appeal.

Prayer in W.P.No.14328 of 2019:- Petition praying to issue a Writ of Certiorari to call for the records relating to the impugned proceedings issued by the 1st respondent in Na.Ka.No. 024429/ I4/ 2011 dated 01.04.2019 and to quash the same.

For Appellant : Mr.L.Chandrakumar

For Respondents: Mr.C.Munusamy, Spl.G.P.

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The notice issued by the appellate authority proposing to enhance the punishment was challenged before the Writ Court on the ground that the authority has pre-decided the matter. Before the Writ Court it was contended that the appellant has filed a Contempt Petition against the appellate authority and as such, it would not be correct on his part to take up the proceedings for enhancing the punishment. The prayer for change of Enquiry Officer was rejected and the appellant was directed to give his explanation to the notice issued by the appellate

authority proposing to revise the punishment Feeling aggrieved, the appellant has come up with this intra court appeal.

2. When this appeal came up for hearing on an earlier occasion, we had directed the respondents to consider as to whether the appeal could be entrusted to another officer equal in rank in view of the apprehension raised by the appellant.

3. The Government taking into account the suggestion made by this Court, passed an order dated 24.07.2019 revoking the earlier show cause notice and entrusting the task of conducting the appellate proceedings by State Council of Education Research and Training.

4. In view of the subsequent events relating to the change of officer for conducting the enquiry, nothing survives for adjudication in this intra Court appeal. It is more so on account of the fact that the earlier show cause notice issued to the appellant was withdrawn.

5. The intra Court appeal is disposed of taking into account the subsequent events as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Krishnagiri District, Krishnagiri.

+1cc to Mr.L.Chandra Kumar, Advocate, SR.No.67760

+1cc to the Govt.Pleader, Vide Sr.No.68090

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Kak(18/09/2019)