

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 28.08.2019
CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.25538 of 2019
&
W.M.P.No.25068 of 2019

Mrs.A.Shanthi

...Petitioner

Vs.

- 1.Church of South India Trust Association,
rep by its Chairman,
(CSI TA) No.5, Whites Road,
Royapettah, Chennai - 14.
- 2.Church of South India Trust Association,
rep by its General Secretary,
Church of South India Trust Association,
(CSI TA) No.5, Whites Road,
Royapettah, Chennai - 4.
- 3.Church of South India Trust Association,
rep by its Treasurer,
Church of South India Trust Association,
(CSI TA) No.5, Whites Road,
Royapettah, Chennai - 4.
- 4.The Bishop,
Trichy Tanjore Diocese,
Church of South India,
(One of the T.A.Company Unit),
Puthur, Bishop Heber College Road,
Trichy - 620 017.
- 5.The Clerical Secretary,
Trichy Tanjore Diocese,
Church of South India,
(One of the T.A.Company Unit),
Puthur, Bishop Heber College Road,
Trichy - 620 017.
- 6.The Treasurer,
Trichy Tanjore Diocese,
Church of South India,
(One of the T.A.Company Unit),
Puthur, Bishop Heber College Road,
Trichy - 620 017.

7.The Correspondent,
C.S.I. Boys Hr.Sec.School,
T.A.Company Sub - Unit,
Ellis Nagar,
Dharapuram - 638 657.

8.The Head Master,
C.S.I. Boys Hr.Sec.School,
T.A.Company Sub - Unit,
Ellis Nagar,
Dharapuram - 638 657.

9.The Chief Educational Officer,
Tirupur Collector's Office Campus,
Tirupur.

10.The District Educational Officer,
Five Corner Government Hr.Sec.School,
Dharapuram - 638 657.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of certiorarified mandamus to call for the records on the file of the fourth respondent, quash the order of dismissal dated 20.11.2012 passed by the fourth respondent and consequently to direct the 7th, 8th, 9th and 10th respondents to reinstate the petitioner as B.T.Tamil Pandit in seventh respondent school (sub-unit) with retrospective effect from 20.11.2012, to pay the salary of the petitioner and other benefits till superannuation on 14.10.2014 and to pay his pension and all other attendant benefits.

For Petitioner : Mrs.A.Shanthi, Party in person

For Respondent : Mr.S.Bharathirajan, (for R.1 to R.8)
Mr.K.Karthikeyan, GA (for R.9 & R.10)

ORDER

The petitioner joined as B.T. Tamil Pandit in the 7th respondent school, on 31.07.2009. While she was in service, a show cause notice was issued by the 8th respondent on 17.03.2011 levelling certain allegations against her. An enquiry was contemplated into the allegation and ultimately by order dated 20.11.2012 the petitioner was dismissed from service. The petitioner in fact was issued with the charge memorandum on 07.12.2011

containing as many as 8 articles of charges. The charges framed against the petitioner were serious in nature. In any event, ultimately, the charges culminated in the order of penalty of dismissal from service, which was passed in November, 2012 itself.

2.The petitioner, as per her declaration in the affidavit, is 62 years old and would have attained the age of superannuation had she been continued in service, four years before.

3.Although, the petitioner was dismissed in 2012, by the order passed by the 7th respondent, no further remedies have been availed by the petitioner against the order of dismissal from service and she allowed the order to become final, unchallenged. However, it appears that in order to revive the stale claim, the petitioner appears to have issued legal notice in 2017 followed up by a representation on 26.02.2019. Ultimately, the order dismissing the petitioner from service on 20.11.2012, is challenged in 2019 in this writ petition.

4.Nowhere in the writ petition, any worthwhile explanation has been offered by the petitioner for approaching the Court belatedly. Much after the attainment of age of retirement, the petitioner is before this Court as an afterthought, seeking to revive the stale claim of this nature. Even otherwise, this Court is of the view that the 7th respondent is a private management and any action taken by the private management may not be of challenge before this Court, which exercising its extraordinary jurisdiction under Article 226 of the Constitution of India.

5.In the above circumstances, this Court is of the view that both on the ground of maintainability as well as on merits, the writ petition is liable to be dismissed and hence the same is dismissed. No costs. Consequently, the connected writ miscellaneous petition is dismissed. 4

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

msh/mrm

To

1.The Chief Educational Officer,
Tirupur Collector's Office Campus,
Tirupur.

2.The District Educational Officer,
Five Corner Government Hr.Sec.School,
Dharapuram - 638 657.

+1cc to Mrs.A.Shanthi, Party in person SR.No. 73816

+1cc to Mr.S.Bharathirajan, Advocate SR.No. 74654

+1 cc to Government Pleader Sr.No. 74654

W.P.No.25538 of 2019

A.SK(21/10/2019)



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