

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27559 of 2018

and

W.M.P.Nos.32094 of 2018 & 5187 of 2019

N.Deepagopika

.. Petitioner

..vs..

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Nungambakkam, Chennai - 600 006.
- 2.The Joint Director (Aided Schools),
Officer of the Director of Elementary Education, DPI,
College Road, Chennai - 600 106.
- 3.The District Elementary Education Officer,
Vellore, now at Ranipet, Vellore District.
- 4.The Assistant Elementary Educational Officer,
Now called as B.E.O, Walajah East Range,
Ranipet, Vellore District.
- 5.Mrs.N.Jaisree Kothai, सत्यमेव जयते
Manager, Sri Krishna Vidhyalaya,
Aided Middle School, Ranipet, Vellore District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings of the fifth respondent vide letter No.65/18-19, dated 27.07.2018 and R.C.No.74/18-19, dated 12.09.2018 and quash the same as premeditated, illegal, in operative in law.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.A.Rajaperumal

Additional Government Pleader for R1 to R4

Mr.K.H.Ravi Kumar for R5

O R D E R

The notice issued by the 5th respondent, School Management in Proceedings dated 12.09.2018 is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner mainly raised an objection that the Manager and the Head Master is one and the same person and therefore, the impugned notice issued in respect of certain allegations cannot be enquired into by the 5th respondent Management.

3.Undoubtedly, the allegations against the writ petitioner are serious. The learned counsel appearing on behalf of the School Management states that the writ petitioner is taking away all the original records of the School without the permission of the Competent Authorities. Thus, an

enquiry into all such allegations are highly warranted. The only apprehension raised by the writ petitioner is that she may not keep fair hearing for the 5th respondent Management.

4. Under these circumstances, the third respondent District Elementary Educational Officer is directed to conduct a preliminary enquiry in respect of the allegations set out against the writ petitioner and if there is any prima facie case is established then the District Elementary Educational Officer shall issue appropriate orders / permissions to the Management to initiate all further actions against the writ petitioner in respect of the allegations.

5. The third respondent is directed to conduct the preliminary enquiry by affording opportunity to the School Management as well as the writ petitioner and submit his report within a period of 6 weeks from the date of receipt of a copy of this order. On receipt of a preliminary enquiry from the District Elementary Educational Officer, the School Management shall proceed with all further actions by following the procedures and in accordance with law.

6. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

Pns

To

- 1.The Director of Elementary Education,
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Nungambakkam, Chennai - 600 006.
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Vellore, now at Ranipet, Vellore District.
- 4.The Assistant Elementary Educational Officer,
Now called as B.E.O, Walajah East Range,
Ranipet, Vellore District.

+1cc to Mr.R.Venkatesan, Advocate SR.No.18294

+1cc to Mr.KH.Ravikumar, Advocate SR.No.18295

+1cc to Government Pleader SR.No.19404

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and
W.M.P.Nos.32094 of 2018 & 5187 of 2019

CP(CO)
GMY(26/03/2019)