



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P.(MD)No.7147 of 2013

and

M.P(MD)Nos.1 & 2 of 2013

WEB COPY

T.Murugananthan

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Govt.
School Education Department,
Secretariat,
Chennai-600 009.

2.The Joint Director of School Education,
(Vocational Education),
DPI Compound,
College Road,
Nungambakkam,
Chennai-600 006.

3.The Teachers Recruitment Board,
rep. by its Member Secretary,
College Road,
Nungambakkam,
Chennai-600 006.

4.The Chief Educational Officer,
Dindigul District,
Dindigul.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned Show Cause notice issued by him in his Proceedings Na.Ka.No.1502/V1/E2/2010 dated 10.04.2013 and quash the same and consequently direct the first and second respondents to consider the petitioner's qualification at the time of initial appointment itself and thereby regularise the petitioner's service within the time limit.

For Petitioner : Mr.G.Thalaimutharasu
for M/s.Victory Associates

For R1 to R4 : Mrs.S.Srimathy,
Special Government Pleader



entertained against show cause notice.

5. In the present case on hand, the show cause notice states that the writ petitioner has not secured the minimum requisite qualification and not secured 50% of marks. It is for the writ petitioner to establish that he is fully qualified or possessing the requisite marks as contemplated under the rules. Contrarily, such facts and circumstances cannot be adjudicated in the writ proceedings as the present writ petition is filed challenging the very show cause notice itself.

6. This being the factum, it is left open to the writ petitioner to submit his explanations/objections, if any, to the impugned show cause notice, dated 10.04.2013 and in the event of receiving any such explanations from the writ petitioner, the respondents are directed to consider the materials available on record as well as the explanations, if any, submitted by the writ petitioner and to take a decision and pass orders on merits and in accordance with law, as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

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Dindigul.

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_KK/SAR/26.08.2019/4P-5C/