



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD).No. 6467 of 2019
and W.M.P. (MD) No. 5170 of 2019

M. Raveendrarajan : Petitioner

Vs.

1. The Corporate Manager cum Bishop of RC Schools,
Tuticorin Diocese, Tuticorin Diocesan Association,
Tuticorin.
2. The Correspondent cum Parish Priest,
St. Sebastiar Middle School, Vembar,
Vilathikulam Taluk, Thoothukudi District.
3. The District Elementary Educational Officer,
Koilpatty, Thoothukudi District.

(R-3 is impleaded vide Court Order, dated 07.08.2019 in W.M.P. (MD)
No.11103 of 2019) : Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus, to call for the records of the impugned order vide Ref. No.2019/2, dated 03.01.2019 on the file of the first respondent and quash the same and to direct the first respondent to reinstate the writ petitioner in service.

For Petitioner : Mr.P. Muthuvijayapandian

For Respondents-1 & 2 : Fr.V. John Kennedy for
M/s. Father Xavier Associates

For Respondent-3 : Mrs. S. Srimathy,
Special Government Pleader

ORDER

This writ petition is filed to quash the impugned order, vide Ref. No.2019/2, dated 03.01.2019, passed by the first respondent and also seeking direction to the first respondent to



reinstate the petitioner in service.

2. The grievance of the petitioner is that he has joined as Secondary Grade Assistant Teacher in the second respondent's school on 11.06.1990 and he has received a show cause notice, dated 29.06.2018 from the first respondent and on 06.07.2018 he has submitted his explanation. The further grievance of the petitioner is that the first respondent without considering his explanation, a charge was framed on 23.07.2018 and domestic enquiry was conducted and based on the domestic enquiry report, the first respondent has passed the impugned order, dated 03.01.2019 and hence, the instant writ petition is filed to quash the impugned order, dated 03.01.2019 and also seeking direction to the first respondent to reinstate the petitioner in service.

3. The learned counsel appearing for the petitioner has submitted that the petitioner will be satisfied, if a direction is issued to the respondents-1 & 2 to reconsider the petitioner's representation.

4. In response to the aforesaid submission, the learned counsel appearing for the respondents-1 & 2 would submit that the representation of the petitioner will be considered on merits, after providing an opportunity to the petitioner.

5. In view of the above said submission made by either side, this Court is inclined to pass the following order:

(i). the impugned order, dated 03.01.2019 passed by the first respondent in Ref No.2019/2 is quashed and the matter is remanded back to the first respondent to consider the matter afresh, based on the representation of the writ petitioner.

(ii). This Court directs the first respondent to re-consider and pass appropriate orders, after providing opportunity to the petitioner, as early as possible.

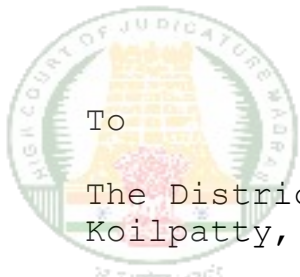
6. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)



To

The District Elementary Educational Officer,
Koilpatty, Thoothukudi District.

+1 CC to M/s.FATHER XAVIER ASSOCIATES, Advocate (SR-80515[F] dated
08/08/2019)

+1 CC to M/s.SPL GP (SR-80594[F] dated 08/08/2019)

+1 CC to M/s.P.MUTHU VIJAYA PANDIAN, Advocate (SR-80683[F] dated
08/08/2019)

W.P(MD) .No. 6467 of 2019

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