



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19220 of 2019

and

W.M.P. (MD) No.15597 of 2019

C.Jeyanthi

... Petitioner

-Vs-

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-6.

2.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Tuticorin District.

3.The District Educational Officer,
O/o. The District Educational Officer,
Kovilpatti, Tuticorin District.

4.The Block Educational Officer,
Kovilpatti, Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.1421/E2/2018 dated 16.08.2019 on the file of the respondent No.2 and quash the same as illegal and consequently, for a direction, directing the respondents to restore the promotion granted to the petitioner in the post of Headmaster, Panchayat Union Middle School, Idaiseval, Kovilpatti Union, Tuticorin District.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.Shanmugaselvan,
Additional Government Pleader.

ORDER

Heard Mr.T.Lajapathi Roy, learned counsel appearing on behalf of the writ petitioner, Mr.Shanmugaselvan, learned Additional Government Pleader appearing on behalf of the respondents.



2.This Writ Petition has been filed to quash the order of the second respondent in Na.Ka.No.1421/E2/2018, dated 16.08.2019 and to direct the respondents to restore the promotion granted to the writ petitioner in the post of Headmaster, Panchayat Union Middle School, Idaiseval, Kovilpatti Union, Tuticorin District.

WEB COPY

3.The writ petitioner was appointed as B.T. Assistant on 12.09.2005 and promoted as Headmaster on 07.03.2019. The first respondent, by proceeding dated 31.05.2019, reverted the writ petitioner to the post of B.T. Assistant, without issuing any notice. Therefore, the writ petitioner has filed W.P.(MD)No.13000 of 2019, challenging the order of reversion on the ground that without issuing any notice and without hearing the writ petitioner, she was reverted to the post of B.T. Assistant. This Court, by order dated 26.06.2019, allowed the said Writ Petition and remitted back the matter to the concerned authority and directed the concerned authority to pass appropriate orders, after providing an opportunity of hearing to the writ petitioner as well as the aggrieved parties on merits. The second respondent has issued notice to the writ petitioner and the writ petitioner has submitted her explanation. Thereafter, the second respondent has passed an order, which is impugned herein, without any jurisdiction. Hence, the writ petitioner has come out with the present Writ Petition.

4.The learned counsel appearing on behalf of the writ petitioner submitted that the second respondent, without being the authority and without hearing the writ petitioner, passed a cryptic order, without giving any reason and prayed for setting aside the order of the second respondent.

5.The learned Additional Government Pleader appearing on behalf of the respondents contended that pursuant to the order of this Court dated 26.06.2019, the second respondent after issuing notice to the writ petitioner and after considering the explanation submitted by the writ petitioner, has passed the impugned order and the second respondent has given reason for rejecting the claim of the writ petitioner and prayed for dismissal of the Writ Petition.

6.From the impugned order, it is seen that the second respondent has not given any personal hearing to the writ petitioner as directed by this Court, by the order dated 26.06.2019, made in W.P.(MD)No.13000 of 2019. Further, the second respondent has stated in the impugned order that the claim of the writ petitioner cannot be accepted as per the rules, but he has not mentioned as per which rule, the writ petitioner's claim is rejected. Further, the concerned authority is only the third respondent.

7.In view of the same, the third respondent is directed to pass order after hearing the writ petitioner and the aggrieved persons, as directed by this Court, by the order dated 26.06.2019, in W.P.(MD)No.13000 of 2019, within a period of four (4) weeks from



the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-6.

2. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Tuticorin District.

3. The District Educational Officer,
O/o. The District Educational Officer,
Kovilpatti, Tuticorin District.

4. The Block Educational Officer,
Kovilpatti, Tuticorin District.

+2 CC to M/s.T.LAJAPATHIROY, Advocate SR-85818, 85819

+1 CC to M/s.GP (SR-85859[F] dated 09/09/2019)

W.P. (MD) No.19220 of 2019

06.09.2019

MYR

MS/19.09.2019/3P.8C