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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.3293 of 2020
and WMP No.3808 and 3810 of 2020

S.Chandramohan

... Petitioner

-Vs-

- 1.The Secretary,
Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
2. The Joint Director (Vocational Education),
Tamil Nadu Joint Director Office,
DPI Campus, College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Namakkal District,
Namakkal.
4. The District Educational Officer,
District Education Office,
Thiruchengode,
Namakkal District.
5. The Head Master,
Government Higher Secondary School,
Namakkal North,
Namakkal District - 637 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent in Na.Ka.No.503/Aa1/E4/2018 dated 25.11.2019 and quash the same and consequently, direct the third respondent to disburse all retirement benefits of the petitioner with all back wages and service benefits including continuous of pension as contemplated at Government Pension Rules.



For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mrs.V.Annalakshmi, GA

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ORDER

By consent, this writ petition is taken up for final disposal.

2. The present writ petition has been filed challenging the order passed by the 3rd respondent dated 25.11.2019 and for a consequential direction to disburse the retirement benefits of the petitioner.

3. The petitioner was working as a Special Grade teacher in the 4th respondent school. A charge memo was issued against the petitioner by the 2nd respondent on the ground that the petitioner had concealed his original date of birth and had given a wrong date of birth. Based on this, a charge memo was issued and proceedings were initiated and ultimately, the same ended with an order dated 25.11.2019, wherein the petitioner has been dismissed from service.

4. The impugned order itself provides for filing of an appeal before the Joint Director. In fact, the petitioner had also preferred an appeal before the Joint Director/2nd respondent on 29.11.2019. When the same was pending, the present writ petition has been filed, challenging the impugned order passed by the 3rd respondent.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. In the considered view of this Court, the petitioner has been provided with an appeal remedy as against the punishment of termination from service and the petitioner has to necessarily exhaust this remedy before coming to this Court. The petitioner has also filed an appeal before the 2nd respondent and the same is pending. Therefore, this Court is not inclined to entertain this writ petition.

7. In the result, this writ petition is dismissed and there shall be a direction to the 2nd respondent to deal with



the appeal filed by the petitioner and pass final orders, within a period of twelve weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with copy of the Appeal and also a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

8. The Registry is directed to hand over the certified copy of the impugned order to the learned counsel for the petitioner after retaining a copy of the same.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
2. The Joint Director (Vocational Education),
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Namakkal District.
5. The Head Master,
Government Higher Secondary School,
Namakkal North,
Namakkal District - 637 003.

+1cc to Government Pleader SR.NO. 12425
+1cc to Mr.M.Saravana Kumar, Advocate sr.11311

W.P.No.3293 of 2020

gmr(co)
nr 17/02/2020