

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.4100 of 2020

G.Sreenivasa Rao

... Petitioner

-Vs-

1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Panagal Building,
Saidapet, Chennai 600 015.

3.The District Educational Officer,
Central Chennai,
Saidapet, Chennai 600 015.

4.Thiru.K.S.V.Prasad

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to pass orders on the Appeal Petition submitted by the petitioner dated 30.09.2019 by canceling the order passed by the 4th respondent in No.Nil dated 04.08.2018 passed in violation of procedure established by law and consequently direct the 4th respondent to allow the petitioner to retire from service from the post of Headmaster in the 4th respondent School, with all consequential and other attendant benefits including payment of arrears of salary and terminal benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.V.Annalakshmi
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of Mandamus, directing the 1st respondent to pass orders on the

Appeal that has been filed by the petitioner, challenging the order passed by the 4th respondent.

2. The case of the petitioner is that the petitioner was working as a Head Master in the 4th respondent school. The petitioner had opted for Voluntary Retirement scheme (VRS) and the same was not permitted by the 4th respondent. In the meantime, the petitioner reached the age of superannuation on 31.05.2016. Before his superannuation, a charge memo came to be issued against the petitioner by the 4th respondent and the petitioner was suspended from service and he was not permitted to retire from service. The petitioner filed a writ petition before this Court in WP No.17659 of 2018. During the pendency of the writ petition, the 4th respondent had passed an order of dismissal from service against the petitioner on 04.08.2018. Therefore, the earlier writ petition was dismissed as infructuous. The petitioner filed a Writ Appeal before this Court in WA No.3270 of 2019. The Division Bench of this Court had dismissed the same and directed the petitioner to approach the Appellate Authority.

3. The petitioner therefore filed an Appeal before the 1st respondent on 30.09.2019. Since the same was not disposed of by the respondents till date, the present writ petition has been filed before this Court seeking for appropriate directions.

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

5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to deal with the Appeal filed by the petitioner on 30.09.2019 and pass appropriate orders on its own merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with copy of the Appeal dated 30.09.2019 and also a copy of this order.

6. This writ petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

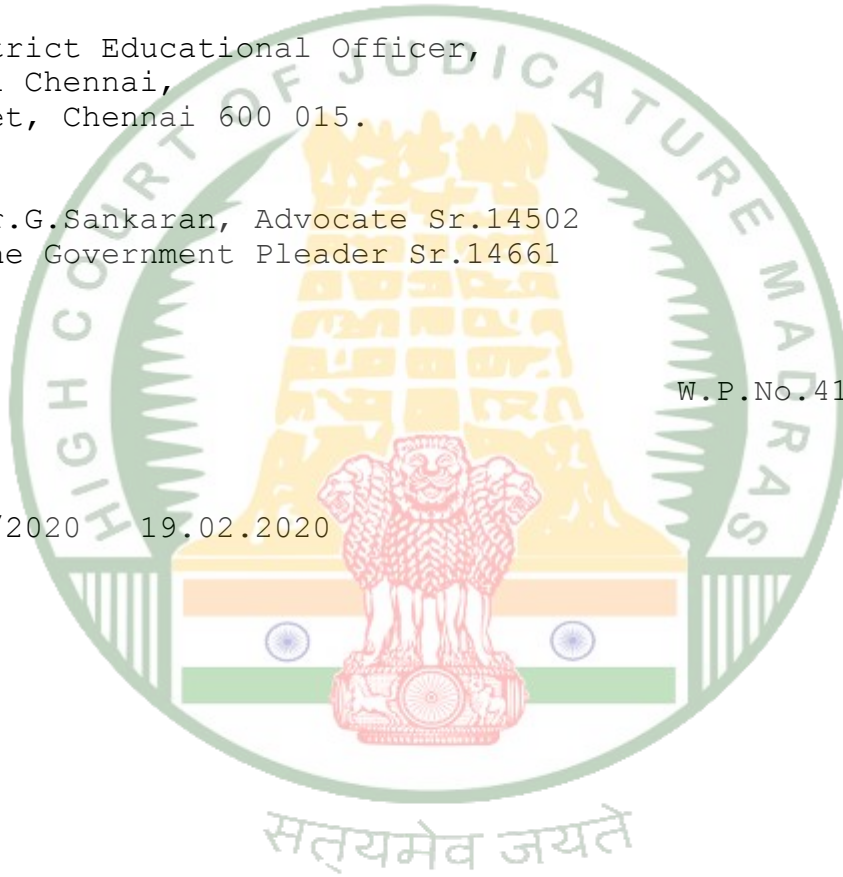
2.The Chief Educational Officer,
Panagal Building,
Saidapet, Chennai 600 015.

3.The District Educational Officer,
Central Chennai,
Saidapet, Chennai 600 015.

+lcc to Mr.G.Sankaran, Advocate Sr.14502
+lcc to the Government Pleader Sr.14661

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