

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 28.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.20198 OF 2014

AND

M.P.NO.1 OF 2014

R.Rajendran

.. Petitioner

- Vs -

1. The Chief Educational Officer
Chennai Region, Panagal Maligai
Saidapet, Chennai 600 015.
2. The Correspondent-cum-Secretary
Thiru-Vi-Ka Hr. Secondary School
Shenoy Nagar, Chennai - 30.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 2nd respondent to permit the petitioner to join duty in the 2nd respondent school.

For Petitioner : Mr.Ganesh Kumar

For Respondents: Mr.G.Sankaran for R-2
Mr.Suresh Kumar, GA for R-1

ORDER

It is the case of the petitioner that he was originally appointed in the year 1986 as Part Time Vocational Teacher in A.G. Jain Higher Secondary School and, thereafter, his appointment was confirmed in the year 1992 and was posted as Regular Vocational Teacher. The petitioner was promoted as P.G. Assistant on 15.6.2011 after joining the 2nd respondent school. While in service, he was placed under suspension on 26.2.14, initially for a period of thirty days, which was extended for a further period and, thereafter, vide proceedings dated 26.3.14, the period was extended by a further thirty days as per Regulation 22 (3) (b) of the Tamil Nadu Private School Recognition & Regulation Act. It is the further case of the petitioner, that though he was directed to appear before the

enquiry committee and reply to the charges, no charge was framed against him and no notice was served. In the meanwhile, on 29.4.14, charge memo was issued on the petitioner, which is contrary to the earlier allegation levelled against him in the suspension order dated 26.2.14. Though the 2nd respondent is bound to complete the enquiry within the prescribed time as contemplated under Regulation 22 (3) (b), however, the same was not completed, though the period of suspension expired on 28.4.14. The enquiry was not completed and the petitioner has not been reinstated in service and, therefore, the petitioner has come forward with the present petition.

2. Learned counsel appearing for the petitioner submits that the petitioner was placed under suspension from 26.2.14, however, inspite of long lapse of time, the enquiry has not been completed and he has not been reinstated in service and that the petitioner is entitled for reinstatement under Regulation 22 (3) (b).

3. Learned counsel appearing for the 2nd respondent submits that the already the services of the petitioner was terminated on 7.1.15 and the said order was forwarded to the 1st respondent for approval, however, in view of the pendency of this writ petition, the 1st respondent, citing the pendency of this writ petition, has rejected the said order against which the 2nd respondent has filed W.P. No.2552/17, which is pending before this Court. It is therefore submitted that the petitioner herein, being a party in the said writ petition, could canvass all his points in the said writ petition filed by the 2nd respondent herein.

4. Learned counsel for the petitioner, by way of rejoinder, submitted that the order of termination, alleged to have been passed on 7.1.15 has not been served on the petitioner and no information has also been given to the petitioner regarding his termination. The said order of termination has also not been served on the petitioner. Further, it is the submission of the learned counsel for the petitioner that even in W.P No.2552/17, alleged to have been filed by the 2nd respondent herein, notice has not been issued to the petitioner herein.

5. Heard the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. The facts in issue are not in dispute. Though the writ petition has been filed by the petitioner for a direction to the 2nd respondent to reinstate him in service, however, it is to be pointed out that the petitioner having been terminated from service subsequently by the 2nd respondent, the prayer as sought

for by the petitioner herein cannot be granted, as nothing survives for adjudication based on the prayer in the present writ petition. If the petitioner has any grievance, it is for him to challenge the order of termination passed by the 2nd respondent either in accordance with law before the appropriate forum, or ventilate his grievance in the pending writ petition in W.P. No.2552/17 filed by the 2nd respondent herein. In such view of the matter, this Court is of the opinion that nothing survives for consideration in the present petition.

7. For the reasons aforesaid, this writ petition is dismissed as nothing survives for consideration. However, liberty is granted to the petitioner herein to work out his remedies in a manner known to law. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

GLN

To

The Chief Educational Officer
Chennai Region, Panagal Maligai
Saidapet, Chennai 600 015.

+1cc to the Government Pleader, S.R.No.31933

W.P.NO.20198 OF 2014

RLD(CO)
CS/03/11/2020