

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.12.2020
CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.20785 of 2014

C.Babu

... Petitioner

vs.

1. Director of School Education,
College Road, DPI Campus,
Chennai - 600 006.
 2. The Joint Director of Secondary Education,
College Road, DPI Campus,
Chennai - 600 006.
 3. The Chief Educational Officer,
Panagal Building,
Saidapet, Chennai - 600 015.
 4. The District Educational Officer,
Chennai East, Choolaimedu High Road,
Chennai - 600 094.
 5. The Secretary,
School Committee,
Rao Bahadur Allathure Nathamoony Chetty Higher Secondary
School,
No.26, Samy Street,
Chennai - 600 002.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to transfer the petitioner as requested by the petitioner vide his representation dated 18.02.2014 to any other eligible Government or any other Government aided school along with post.

For Petitioner : Mr.U.Karunakaran
For R1 to R4 : Mr.S.Sureshkumar, GA
For R5 : Mr.S.Ilamvaludhi

ORDER

This writ petition has been filed to issue a writ of mandamus directing the respondents to consider his representation dated 18.02.2014, wherein, the petitioner has requested to transfer him to any other eligible Government School or Government aided school.

2. According to the petitioner, he joined as Office Assistant on 11.02.2000 in the fifth respondent school. In view of some dispute between third party and the school Secretary, this Court appointed an interim Committee to manage the affairs of the School and the Trust, vide order made in C.S.No.438/2000. Since there was a charge pending against one N.Chandra Babu, the said committee considered the request of the petitioner to promote him as Junior Assistant in the vacancy arose due to voluntary retirement of one Beula Devi and accordingly promoted him as such, with effect from 01.11.2010. Thereafter, the new school committee/fifth respondent was constituted, which after assuming office, served memos on the petitioner raising frivolous charges, calling upon him to give explanation. Further, they did not permit the petitioner to work as junior assistant from 03.01.2014 onwards and they appointed the said N.Chandra Babu as Junior Assistant on 12.11.2013 in the place of the petitioner, without challenging the appointment given to the petitioner. Thereafter, the fifth respondent issued an office order dated 18.01.2014, instructing the petitioner to do the work of Office Assistant, without passing any order, reverting him from the post of Junior Assistant. While so, the petitioner was issued with a charge memo dated 12.03.2014 framing 11 charges, to which, he sent his reply on 26.04.2014. Thereafter, from 02.06.2014, he was not allowed to sign in the attendance register. When the things stood thus, he was suspended from service on 23.06.2014. Since the fifth respondent has been framing false and frivolous charges against the petitioner and giving continuous trouble to him, the petitioner made a representation dated 18.02.2014 to the first respondent, seeking transfer to some other school. Finding no response on the said representation, the petitioner has preferred the present writ petitions.

3. Learned counsel for the petitioner submitted that, it would suffice, if the representation dated 18.02.2014 made by the petitioner is considered by the respondents and appropriate orders passed within a reasonable time to be fixed by this Court.

4. Learned counsel appearing for the respondents have no serious objection for granting such relief to the petitioner.

5. In view of the limited prayer sought for and there being no serious objection to the same, this Court, without going into the merits of the case, directs the respondents to consider the representation dated 18.02.2014 made by the Petitioner and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. In fine, this Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. Director of School Education,
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Chennai - 600 006.
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3. The Chief Educational Officer,
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4. The District Educational Officer,
Chennai East, Choolaimedu High Road,
Chennai - 600 094.

+1cc to Mr.U.Karunakaran, Advocate SR.No. 40281
+1cc to Mr.S.Ilamvaludhi, Advocate SR.No. 39941

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A.SK(10.03.2021)

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