



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.14109 of 2012
and M.P. (MD) Nos.1 & 2 of 2012

Dhanalakshmi

... Petitioner

Vs.

1.The Correspondent/Principal,
Parumala St.Gregarios Matirc Higher
Secondary School, Mount Tabor,
Mathur Post, Kulathur Taluk,
Pudukkottai District.

2.The Inspector of Matriculation Schools,
Nizam Colony, Pudukkottai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certioratified Mandamus, to call for the records relating to the order of the first respondent dated 18.10.2012 and quash the same as arbitrary, illegal and capricious and in consequence thereof directing the first respondent to reinstate the petitioner with all service benefits.

For Petitioner : Mr.P.Ganapathi Subramanian

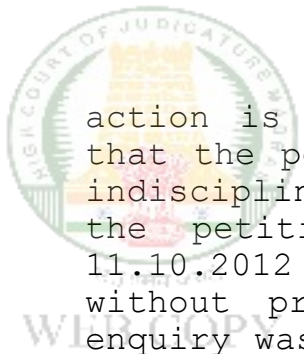
For R1 : Mr.N.Anandhakumar

For R2 : Mrs. S.Srimathy,
Special Government Pleader.

ORDER

The order of termination issued by the Correspondent/Principal of the first respondent school is under challenge in the present writ petition.

2.The petitioner states that she was appointed in the respondent school in the year 1998 as Post Graduate Teacher and she took classes for the 10th standard and was working sincerely and satisfactorily to the students as well as the Management. The petitioner was promoted to the post of Headmistress on 27.05.2010 and discharged duty till 11.12.2012. Surprisingly, a letter dated 11.10.2012 was issued by the respondents stating that disciplinary



action is to be taken against the petitioner and further stating that the petitioner was not efficient and also committed an act of indiscipline. Charge memo was issued on 27.08.2012 and thereafter, the petitioner was placed under suspension with effect from 11.10.2012 onwards. Domestic enquiry was conducted on 17.10.2012 without providing any opportunity to the petitioner. Domestic enquiry was concluded and order of termination was issued in order, dated 18.10.2012. The contention of the writ petitioner is that the order of termination is in violation of principles of natural justice, in view of the fact that no reasonable opportunity was given to the petitioner to defend her case. Enquiry was conducted unilaterally and therefore, the order of termination is to be set aside.

3.This Court is of the considered opinion that the first respondent School is a Matriculation School and therefore, an appeal is to be filed before the competent Authority. Matriculation Schools are governed under the regulations and teachers also appointed by the Management and there is no approval for the appointment by the Education Department.

4.Under these circumstances, the petitioner has to approach the Authorities competent for the purpose of redressing her grievances in the manner known to law. However, the present writ petition is not entertainable. The petitioner is at liberty to approach competent Forum/Authority for the purpose of redressal of her grievances. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

+1 CC to M/s.SPL GP (SR-68513[F] dated 13/06/2019)

W.P. (MD) No.14109 of 2012
14.10.2020

sss(CO)

TR(28.10.2020) 2P 2C