



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.3053 of 2013

O.N.Hemalatha

... Petitioner

Vs.

1.The District Educational Officer,
Kuzhithurai,
Kanyakumari.

2.The Corporate Manager,
Corporate Management of
Roman Catholic Schools,
"THEDAL"
No.10/8-46C, Bridge Ward,
Near Fire Station,
Kuzhithurai-629 163,
Kanyakumari District.

3.St.Mary's Higher Secondary School,
represented by its Correspondent,
Melpalai, Idaikkode-629 152,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of dismissal from service in No.EDN/K/CM/F I 108/54/2013 dated 11.02.2013 on the file of the Respondent No.2 and the consequential impugned order in No.M2C/01/2012-13 dated 11.02.2013 on the file of the respondent No.3 and quash the same as illegal and consequently, to direct the respondents to reinstate the petitioner in the post of B.T.Assistant in Social Science(Malayalam) with all consequential benefits.

For Petitioner : Mr.T.Lajapathi Roy

For R1 : Mrs.S.Srimathi
Special Government Pleader

For R2 & R3 : Mr.P.Muthuvel for M/s.Isaac Chambers

ORDER

The order of dismissal from service issued to the writ petitioner is under challenge.



2.The writ petitioner was appointed as B.Ed. Assistant (Malayalam) Teacher. The allegation against the writ petitioner was that she is not a Christian of a particular sector and there is a dispute with reference to the religious status of the writ petitioner.

3.The learned counsel appearing for the writ petitioner is of an opinion that once an appointment is made in any minority institution thereafter, the question of religion was not arise at all. There cannot be any discrimination on the ground of religion, which is unconstitutional.

4.The learned counsel appearing for the respondents 2 and 3 made a submission that the writ petitioner has expressed his willingness to prefer an appeal to the Management and he had received such an instruction also.

5.In view of the fact that, there is an appeal provision under the Management Rules and the writ petitioner also ready to file an appeal. For the purpose of adjudication of the appeal, this Court is of an opinion that an opportunity is to be provided to the appellate authority to decide the issue on merits. Accordingly, the writ petitioner is permitted to submit an appeal to the competent appellate authority of the Management and on receipt of such an appeal, the appellate authority is directed to consider the same and pass appropriate orders on merits and in accordance with law, by affording an opportunity to all the parties concerned, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The District Educational Officer,
Kuzhithurai,
Kanyakumari.

+1cc to Mr.T.Lajapathi Roy, Advocate sr.19280
+1cc to M/s.Isaac Chambers, Advocate sr.19756
+1cc to Special Government Pleader, SR.No. 19426

W.P. (MD)No.3053 of 2013

_NR (15/10/2020) 3P : 5C