



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD)No.1633 of 2020

and

W.M.P. (MD)No.1347 of 2020

WEB COPY

A.Raja

... Petitioner

/vs./

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Sivagangai.

2.The District Educational Officer,
Office of the District Educational Office,
Sivagangai.

3.The Secretary,
Vallalpari Higher Secondary School,
Piranmalai, Sivagangai District.

4.The Headmaster,
Vallalpari Higher Secondary School,
Piranmalai, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order issued by the third respondent in Na.Ka.Nil, dated 14.01.2020 and quash the same.

For Petitioner : Mr.K.P.Ramesh

For Respondents : Mr.M.Karuppasamy

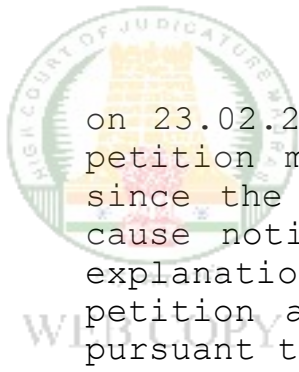
Government Advocate (for R1, 2 and 4)

ORDER

By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

2.The impugned memo is in the form of a show cause notice calling upon the petitioner to give his explanations within a period of fifteen days from the date of receipt of the impugned order, dated 14.01.2020.

3.The learned counsel appearing for the petitioner would rely upon the earlier writ petition filed by him in W.P.(MD)No.26421 of 2019, wherein he had challenged the order of suspension passed



on 23.02.2019. In my view, the ground raised in the earlier writ petition may not have any nexus with the present writ petition, since the order impugned herein is only in the nature of a show cause notice, for which, the petitioner is required to give his explanations. As such, quoting the pendency of the earlier writ petition as a bar to the respondents to initiate further action pursuant to the present impugned order may not be proper.

4.This Court, as well as the Hon'ble Apex Court, has in various decisions, determined the scope of interference under Article 226 of the Constitution of India, to a show cause notice. The few exceptions, in which, the extraordinary powers of this Court can be invoked to quash the show cause notice, are not made out in the grounds in the present writ petition. Therefore, this Court is unable to entertain the present writ petition. Nevertheless, if the petitioner herein is granted liberty to give his explanations to the impugned show cause notice, dated 14.01.2020, the ends of justice could be secured.

5.In the light of the above observations, the petitioner is at liberty to give his explanations/reply to the impugned letter dated 14.01.2020, issued by the third respondent herein on or before 10.02.2020. On receipt of the same, the third respondent herein shall consider it on its own merits and take further proceedings in accordance with law as expeditiously as possible.

6.The writ petition stands closed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Sivagangai.

2.The District Educational Officer,
Office of the District Educational Office,
Sivagangai.



3.The Secretary,
Vallalpari Higher Secondary School,
Piranmalai, Sivagangai District.

4.The Headmaster,
Vallalpari Higher Secondary School,
Piranmalai, Sivagangai District.

+1 CC to SPL.GP (SR-3740[F] dated 29/01/2020)
+2 cc to Mr.K.P.Ramesh , Advocate SR.No.1560

Order made in
W.P.(MD) No.1633 of 2020
28.01.2020

_KM/ (04.02.2020) 3P 8C