



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2020

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

WEB COPY

W.P.(MD) No.18633 of 2014

and

M.P.(MD) No.1 of 2014

S.Merriton Zachariraj

...Petitioner

Vs.

1.The Chief Educational Officer,
O/o. The Chief Educational Office
Devarpuram Road, Tuticorin.

2.The District Educational Officer,
O/o. The District Educational Office,
Devarpuram Road, Tuticorin.

3.The Correspondent
St. Michael's Higher Secondary School,
Mudalur - 628 702,
Tuticorin District.

4.D.S.Kuberan David Raj
The Correspondent,
St. Michael's Higher Secondary School,
Mudalur - 628 702,
Tuticorin District.

5.T.Sobitharaj
Headmaster
St. Michael's Higher Secondary School,
Mudalur - 628 702,
Tuticorin District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the Impugned Order passed by the 3rd / 4th respondent in his Proceedings Nil dated 12.11.2014 (received on 13.11.2014) and quash the same as illegal.

For Petitioner : Mr.H.Mohamed Imran
for M/s.Ajmal Associates
For Respondents 1 & 2 : Mrs.S.Srimathy,
Special Government Pleader
For Respondents 3 to 5 : No Appearance



O R D E R

The order of suspension is under challenge in the present writ petition.

2.The writ petitioner is working as P.G.Assistant (Chemistry) in St. Michael's Higher Secondary School, Mudalur, Tuticorin District. The impugned order of suspension was issued by the Correspondent of the School, on account of initiation of disciplinary proceedings the petitioner was placed under suspension.

3.The learned counsel appearing on behalf of the writ petitioner states that he is continuing in service pursuant to the interim order granted by this Court and the disciplinary proceedings initiated against the writ petitioner is also going on. The writ petition is pending for the past about 6 years.

4. The respondents have to continue the disciplinary proceedings as expeditiously as possible and pass final orders in the disciplinary proceedings. However, it is brought to the notice of this Court by the learned counsel for the writ petitioner that during the pendency of the present writ petition, another writ petition was filed by the very same writ petitioner, challenging the charge memo, and the writ petition against the charge memo is also pending. Thus it may not be possible for the Authorities to conclude the departmental disciplinary proceedings. However, the suspension order is concerned it is passed by the Correspondent of the School. The School is a Private School and the Act provides a mechanism for redressal of grievances by the aggrieved persons. If at all the petitioner is advised to redress his grievances, regarding the order of suspension, he is at liberty to approach the appropriate Competent Authority under the provisions of the statute and in such an event, the Authorities are bound to consider the same in accordance with law. However, the order of suspension which is passed by the Management of the Private School cannot be the subject matter of the present writ petition and this being the factum, the writ petition cannot be entertained and accordingly, stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Chief Educational Officer,
O/o. The Chief Educational Office
Devarpuram Road, Tuticorin.

2.The District Educational Officer,
O/o. The District Educational Office,
Devarpuram Road, Tuticorin.

+1 CC to SPL GP (SR-19571[F] dated 09/10/2020)

W.P. (MD) No.18633 of 2014
07.10.2020

VB (16.10.2020) 3P 4C