



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.3464 of 2014 and 9199 of 2012

and

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

in

W.P(MD) .No.3464 of 2014

and

M.P(MD) .Nos.1 and 2 of 2012

in

W.P(MD) .No.9199 of 2012

N.Abdul Azees

... Petitioner in both W.Ps

Vs.

1.The Correspondent,

K.J.E.M.Higher Secondary School

Paramakudi, Ramanathapuram District.

2.The District Educational Officer,

Paramakudi,

Ramanathapuram District.

... Respondents in both W.Ps

PRAYER in W.P(MD) .No.3464 of 2014: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 08.02.2014 of the 1st respondent and quash the same and direct the respondent to reinstate the petitioner in service together with continuity of service and back wages and all the service benefits and granting such other and further relief, which this Court may deem fit and proper in the circumstances of the case.

PRAYER in W.P(MD) .No.9199 of 2012: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 13.03.2012 issued by the first respondent and quash the same and direct the respondent to regularize the suspension period from 22.08.2011 to 17.03.2012 as spend on duty and to pay the consequential monetary benefits arising thereon and granting such other and further relief.

For Petitioner in

both W.Ps

: Mr.R.Rajamohan

For R1 in both

W.Ps

: Mr.A.S.Mujibur Rahman

For R2 in both

W.Ps

: Mr.J.Gunaseelan Muthiah

Additional Government Pleader

COMMON ORDER

<https://hcservices.courts.gov.in/hcservices/> The writ petition in W.P(MD) .No.9199 of 2012 is filed challenging the order of punishment passed by the Correspondent of the first respondent School. The punishment imposed was stoppage of



increment for three years with cumulative effect. Admittedly, the impugned order was passed by the Correspondent of the first respondent school. The another writ petition in W.P(MD).No.3464 of 2014, is filed challenging the order of removal from service passed by the first respondent School in proceeding dated 08.02.2014. The said punishment order was also passed by the Correspondent of the first respondent School.

2.The learned counsel appearing for the writ petitioner reiterated that the orders of punishment was improper and no opportunity was provided to the writ petitioner and several grounds are raised with reference to certain documents as well as the enquiry proceedings.

3.The learned counsel appearing on behalf of the first respondent school opposed the aforesaid contention by stating that the charges are very serious in nature. Considering the nature of the charges and by conducting the enquiry, the petitioner was removed from service.

4.Allegations and counter allegations are made by the respective parties to these writ petitions, which require an elaborate adjudication with reference to the documents as well as the evidences. The said full fledged trial cannot be conducted in a writ petition under Article 226 of the Constitution of India. The parties are bound to submit their evidences for the purpose of adjudication of the issues raised on merits. As far as the first respondent School is concerned, it is the aided School and therefore, an appeal remedy is available under the Act itself. When the Act contemplates an appeal remedy, the petitioner is expected to exhaust the appeal remedy and there is an opportunity for adjudication of all the issues with reference to the documents and evidences. Exhausting the appeal remedy is also a fact to be considered, while entertaining the writ petition. In the present case, the allegations, facts are complicative in nature and the same required an elaborate adjudication with reference to the documents and evidences.

5.This being the factum, the petitioner is at liberty to approach the appellate authority for the purpose of redressal of grievances and as far as the present writ petitions are concerned, no relief cannot be granted. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //



The District Educational Officer,
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.GP (SR-21086[F],21093 dated 04/11/2020)

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-21169[F] dated 04/11/2020)

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-21169[F] dated 04/11/2020)

+2 CC to M/s.A.S. MUJIBUR RAHMAN, Advocate (SR-21236[F] dated
05/11/2020)

W.P.(MD)Nos.3464 of 2014 and 9199 of 2012
and
M.P(MD) .No.1 of 2014
in
W.P(MD) .No.3464 of 2014
and
M.P(MD) .Nos.1 and 2 of 2012
in
W.P(MD) .No.9199 of 2012
03.11.2020

(CO)
KB(11.11.2020) 3P 7C