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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.A.(MD)No.1117 of 2018

and

C.M.P.(MD)No.8056 of 2018

The Correspondent,
Mela Pallivasal Girls Higher Secondary School,
Ilayangudi-630 702,
Sivagangai District. ... Appellant/2nd Respondent

Vs.

1. M.S.Raviyal Beevi ... 1st Respondent/Petitioner

2.The District Educational Officer,
Sivagangai District. ... 2nd Respondent/1st Respondent

Prayer : Appeal filed under Clause 15 Letters Patent against the order passed by this Court in W.M.P.(MD)No.9706 of 2018 in W.P.(MD)No.10630 of 2018, dated 10.05.2018.

Prayer in WMP(MD). 9706/ 2018 :

To grant an order of interim stay of all further proceedings pursuant to the proceedings issued by the 2nd respondent in K1/2018-19 dated 27.4.2018 pending disposal of the above writ petition.

Prayer in WP(MD). 10630/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings issued by the 2nd respondent in K1/2018-19 dated 27.4.2018 and quash the same and consequently direct the respondents to regularize the period of suspension as on duty and pay all arrears of salary for the said period with costs.

For Appellant : Mr.T.Ashwin Rajasimman

For Respondents : Mr.Veerakathiravan
Senior Counsel
for M/s Veera Associates for R.1



JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The Writ Appeal has been filed by the appellant against the interim order passed by the learned Single Judge by stating that while the suspension order passed by the appellant suspending the first respondent from the School, the provisions of the Tamil Nadu Recognized Private Schools Regulation Act, 1973 have not been followed.

2. Heard the learned Counsel appearing for the petitioner and the learned Senior Counsel appearing for the first respondent.

3. After hearing both sides, the interim order was passed by the learned Single Judge. When the learned Single Judge, *prima facie*, found that the provisions of the the Tamil Nadu Recognized Private Schools Regulation Act, 1973 have not been complied with, while suspending the first respondent, this Court is not inclined to interfere with the order passed by the learned Single Judge. Accordingly, the Writ Appeal is liable to be dismissed. Therefore, the Writ Appeal is dismissed with a request to the learned Single Judge to dispose of the main writ petition at the earliest. No costs. Consequently, the connected Civil Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

SSL

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,
Sivagangai District.

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Copy to

The Section Officer,
Writ Posting,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-24199
[F] dated 07/12/2020)

+1 CC to SGP (SR-24361[F] dated 08/12/2020)

W.A. (MD) No.1117 of 2018

04.12.2020

MA (CO)

KM (16.12.2020) 3P 5C