



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P.Nos.11975 & 12125 of 2021
& WMP Nos.12750, 12751, 12895, 12745 and 12746 of 2021

M.H.Mueedur Rahman ...Petitioner in both Writ Petitions

Versus

1. The Principal Secretary,
Department of School Education,
Govt. of Tamil Nadu,
St. George Fort, Secretariat,
Chennai - 600 009.
2. The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Vellore - 632 001.
Vellore District.
4. The District Educational Officer,
Vellore - 632 001,
Vellore District.
5. The Correspondent,
Islamiah Higher Secondary School,
Pernambut - 635810,
Vellore District.
6. Mr.A.Humayun Basha,
Headmaster - Incharge
Islamiah Higher Secondary School,
Pernambut - 635810,
Vellore District. ...Respondent in W.P.No.11975 of 2021

1. The Principal Secretary,
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Vellore - 632 001,
Vellore District.
5. The Correspondent,
Islamiah Higher Secondary School,
Pernambut - 635810,
Vellore District.
6. M.Nisar Ahmed,
The Correspondent,
Islamiah Higher Secondary School,
Pernambut - 635810,
Vellore District.
7. Mr.A.Humayun Basha,
Headmaster - Incharge
Islamiah Higher Secondary School,
Pernambut - 635810,
Vellore District.

...Respondent in W.P.No.12125 of 2021

PRAYER in W.P.No.11975 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records, relating to the impugned Show Cause Notice of the 5th respondent in RC.No.F3/47/2020-2021 dated 24/04/2021 and quash the same and consequently direct the respondents 5 and 6 to permit the petitioner to work in the Islamiah Higher Secondary School, Pernambut, Vellore District-635 810 by allotting the section and time table.

PRAYER in W.P.No.12125 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records, relating to the impugned order of the 5th respondent in RC.No.F3/58/2020-2021 dated 19/05/2021 and quash the same and consequently direct the 5th respondent to reinstate the petitioner by granting all attendant benefits to him.



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For Petitioner : Mr.L.G.Sahadevan
For Respondents : Mr.C.Kathiravan
Government Advocate
for R1 to R4
: Mr.Dakshayani Reddy for R5
R6 & R7 : No Appearance

O R D E R

W.P.No.11975 of 2021 is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned Show Cause Notice of the 5th respondent in RC.NO.F3/47/2020-2021 dated 24.04.2021 and to direct the respondents to permit the petitioner to work in the Islamiah Higher Secondary School, Pernambut, Vellore District.

2.W.P.No.12125 of 2021 is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned Show Cause Notice in RC.NO.F3/58/2020-2021 dated 19.05.2021 passed by the 5th respondent in contemplation of disciplinary proceedings.

3.The petitioner is working in the 5th respondent School as Management Staff from the year 2009 and he was appointed as B.T. Assistant - English on 05.07.2010. The 5th respondent issued Show Cause Notice dated 24.04.2021 seeking explanation for the petitioner's absence. The first petition is filed challenging the impugned Show Cause Notice issued by the 5th respondent.

4.The second writ petition is filed challenging the order dated 19.05.2021, by which petitioner was placed under suspension in contemplation of disciplinary proceedings against him in relation to the charges pursuant to the Show Cause Notice which is the subject matter of the first writ petition.

5.The learned counsel appearing for the petitioner states that the respondents have framed charges against the petitioner and therefore, the writ petitions can be disposed of with a direction to the respondents to pay subsistence allowance to the petitioner which is the statutory entitlement of the petitioner. Since the charge memo has been issued, the learned counsel appearing for the petitioner states that the first writ petition may be closed with a direction to the 5th respondent to pay subsistence allowance.

6.The learned counsel appearing for the 5th respondent has no objection for the official respondents to consider the petitioner's request for subsistence allowance which is the statutory entitlement of the petitioner.



7. Considering the submission of the counsel on either side, W.P.No.11975 of 2021 and W.P.No.12125 of 2021 are closed with the following directions:

The petitioner is permitted to approach the official respondents for subsistence allowance and the 5th respondent shall pass appropriate orders granting or paying subsistence allowance to the petitioner as per Rules, within six weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Principal Secretary,
Department of School Education,
St. George Fort, Secretariat,
Chennai - 600 009.
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Vellore District.
4. The District Educational Officer,
Vellore - 632 001,
Vellore District.

+1 CC to M/s.Dakshayani Reddy, Advocate, Sr.No. 34571.
+2 CC to M/s.A.Ilaya Perumal, Advocate, Sr.No. 34364,34365.
+1 CC to The Government Pleader, Sr.No. 34948,34949.

W.P.Nos.11975 & 12125 of 2021
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RLD(CO)
LS(26/08/2021)