



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.A. (MD) No.1195 of 2021

and

C.M.P(MD) .No.5073 of 2021

R.Umavathi

.. Appellant/Writ Petitioner

Vs

1.The School Committee,
represented by its Secretary,
P.Krishnasamy,
St. Mary's High School,
Therku Konarkottai,
Chettikurichi Post,
Thoothukudi District.

2.P.Krishnasamy,
The Secretary,
St. Mary's High School,
Therku Konarkottai,
Chettikurichi Post,
Thoothukudi District.

3.R.V.Rajkumar/Enquiry Officer,
Advocate, No.83, Law Chambers,
High Court, Madurai 625 023.

.. Respondents/Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent, against the order dated 09.03.2021, passed in W.P.(MD) No.17464 of 2015.

Prayer in WP(MD) . 17464/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records of the 1st respondent in its proceedings commencing in Na.ka.No.48 of 2015 dated 19.06.2015 and quash the same and consequently restrain the respondents from taking disciplinary proceedings against the petitioner in respect of the allegations made by her in her affidavit in WP(MD)No.20660 and 20661 of 2014.

For Appellant : Mr.T.Lajapathi Roy
For 1st Respondent : Mr.A.K.Manickam
Standing Counsel.
For 2nd Respondent : Mr.M.Saravanan



JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble Chief Justice]

The order impugned dated March 9, 2021, appears to be perfectly justified, since the Single Bench observed that the disciplinary proceedings had been challenged at the nascent stage without waiting for the outcome.

2.In principle, the order impugned cannot be interfered with, since Courts do not allow show cause notices to be challenged as such notices do not cause any prejudice and it is open to the delinquent to issue a reply following which the matter may not be pursued by the employer.

3.However, the appellant's grievance appears to be that as the consequence of the order impugned herein, a subsequent order passed by Division Bench on June 17, 2021, in W.A.[MD]No.1147 of 2021 may lose its efficacy. According to the appellant, the subsequent order of June 17, 2021 requires the matter to be looked into by the first respondent herein. However, no copy of the relevant order of June 17, 2021 has been appended to the papers.

4.W.A.[MD]No.1195 of 2021 is disposed of without interfering with the order impugned dated March 9, 2021, but with the observation that the order dated June 17, 2021, will prevail and unless the first respondent decides not to pursue the matter after considering it in accordance with the order dated June 17, 2021, the disciplinary proceedings may continue. In other words, notwithstanding the initiation of the disciplinary proceedings that has been permitted to be continued by the order impugned, if a contrary decision is taken pursuant to the directions issued by the Division Bench order of June 17, 2021, the disciplinary proceedings may not be pursued.

5.It is made clear that the merits of the charges against the appellant have not been gone into.

6.C.M.P.[MD].No.5073 of 2021 is closed.

7.There will be no order as to costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR



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.

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+1 CC to M/s.R.SUBRAMANIAN, Advocate
(SR-20208[F] dated 25/06/2021)

+1 CC to M/s.T.LAJAPATHIROY, Advocate
(SR-20122[F] dated 24/06/2021)

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KB(01.07.2021) 3P 3C