



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2021

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.12499 of 2021 and
WMP(MD) Nos.9793, 9794 & 10876 of 2021

B.Punitha

...Petitioner

Vs.

1.The Chief Educational Officer,
O/o Chief Educational Office,
Thanjavur District,
Thanjavur.

2.The District Educational Officer,
O/o District Educational Office,
Thanjavur District,
Thanjavur.

3.The Secretary,
Khadir Mohideen Girls Higher Secondary School,
Athirampattinam,
Thanjavur District.

4.Mr.S.Mohamed Meera Sahib,
Secretary,
Khadir Mohideen Girls Higher Secondary School,
Athirampattinam,
Thanjavur District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the third respondent in his proceedings in memorandum No.KMGHSS 001/2021-2022 நக.எண்.1205 dated 07.07.2021 and quash the same as illegal.

For Petitioner

:Mr.Mohammed Imran

For R1 & R2

:Mr.S.Shaji Bino
Special Government Pleader

For R3 & R4

:Mr.G.Kannan
for M/s.Ramsundar Vijayraj



O R D E R

This writ petition is filed as against the order of suspension of the petitioner in memorandum No.KMGHSS 001/2021-2022 Na.Ka.No.1205, dated 07.07.2021.

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2.The case of the petitioner is that she was appointed as Assistant in Khadir Mohideen Girls Higher Secondary School, Athirampattinam, Thanjavur District on 15.07.2009. She was placed under suspension on 07.07.2021, as per proceedings in Memorandum No.KMGHSS 001/2021-2022 Na.Ka.No.1205 passed by the third respondent for the alleged involvement in serious delinquency along with erstwhile Secretary and also conveyed the decisions taken by the administration to the erstwhile administration. They also contemplated an enquiry against the petitioner and issued a charge memo in Na.Ka.No.1228 of 2021, dated 16.11.2021. As against the order of suspension, the petitioner is before this Court with the present Writ Petition.

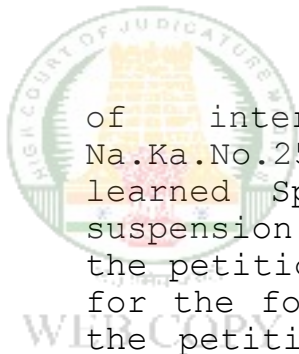
3. When this matter is taken up for hearing, Mr.S.Shaji Bino, learned Special Government Pleader produced a letter in Na.Ka.No.2562/A2/2021, dated 23.11.2021 of District Education Officer, Pattukottai, stating that the order of suspension of the petitioner has been revoked by the Department, as per the provision under Section 22 of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973.

4.The learned counsel for the fourth respondent Administration submits that this petitioner is facing serious charges, for which, enquiry has been contemplated and if this petitioner is permitted to serve in the same School, it would affect the course of enquiry. Therefore, he suggested that the petitioner can either work in the Khadir Mohideen Boys Higher Secondary School, Athirampattinam, Thanjavur District, which comes under the same management or she can remain in her home, till the enquiry is concluded and the Management would pay the salary to the petitioner.

5.The learned counsel for the petitioner claims that the Management is very particular in removing her from the Institution and therefore, they are not inclined to entertain this petitioner, even though order of suspension has been revoked. The learned counsel further submits that he suspects the conduct of the fourth respondent in not permitting this petitioner to work in the same School, even after the suspension order has been revoked.

6.This Court considered the rival submissions made by either side and perused the records placed before this Court.

7.It is seen from the records that the petitioner was placed under suspension on 07.07.2021 and charge memo was also issued on 16.11.2021. On 23.07.2021, this Court has granted an order



of interim stay. Today (24.11.2021), a letter in Na.Ka.No.2562/A2/2021, dated 23.11.2021 has been produced by the learned Special Government Pleader, stating that the order of suspension of the petitioner has been revoked by the Department and the petitioner can work in the same School. But, the learned counsel for the fourth respondent objected for the same and claims that if the petitioner is permitted to work in the same school, it will affect the enquiry proceedings. Therefore, she can be accommodated in Khadir Mohideen Boys Higher Secondary School at Athirampattinam or she can remain in home, and that the School Management would pay the salary to her.

8. Though this Court is not satisfied with the suggestion made by the fourth respondent counsel and considering the fact that since the enquiry has already been contemplated against the petitioner, this Court, without expressing anything on the claims made by either side, is inclined to dispose of this Writ Petition with the following directions. There shall be a direction to the first respondent/the Chief Educational Officer, Thanjavur District to pass an order appointing an enquiry officer of reputation and conduct the enquiry on the charges levelled as against the petitioner and to ensure that the enquiry has been conducted in a fair and appropriate manner. Such enquiry shall be completed within a period of three months. Till such time, the petitioner is permitted to work in the Khadir Mohideen Boys Higher Secondary School, Athirampattinam, under the same Management. If she is not willing to work in the said School, she can remain in her house and the salary would be paid by the Management till the enquiry is concluded. It is made clear that the enquiry shall be concluded within the period of three months without fail. On completion of enquiry, compliance report must be submitted to the Registry of this Court.

9. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

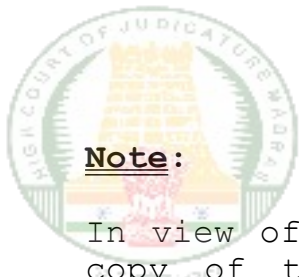
Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

vrn



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

- 1.The Chief Educational Officer,
O/o Chief Educational Office,
Thanjavur District,
Thanjavur.
- 2.The District Educational Officer,
O/o District Educational Office,
Thanjavur District,
Thanjavur.
- 3.The Secretary,
Khadir Mohideen Girls Higher Secondary School,
Athirampattinam,
Thanjavur District.

+1 CC to M/s.S. RAMSUNDARVIJAYRAJ, Advocate (SR-35903[F] dated 25/11/2021)

W.P(MD) No.12499 of 2021 and
WMP(MD) Nos.9793, 9794 & 10876 of 2021
24.11.2021

MGJ(06.12.2021) 4P 5C