



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.17464 of 2015 and 6844 of 2016

and

M.P. (MD)No.1 of 2015 in WP MD.17464/2015

and

WMP(MD)No.5880 of 2016 in WP MD.No.6844/2016

W.P. (MD)No.17464 of 2015

R.Umavathi ...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.Krishnamoorthy,
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

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records of the first 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 W.P.(MD)Nos.20660 and 20661 of 2014.



For Petitioner :Mr.T.Lajapathi Roy

For Respondents :Mr.M.Saravanan
for R.1

W.P. (MD)No.6844 of 2016

R.Umavathi ...Petitioner

Vs.

1.The District Educational Officer,
Kovilpatti, Tuticorin District.

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

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

4.R.V.Rajkumar,
Advocate,
No.83, Law Chambers,
High Court,
Madurai-625 023. ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the fourth respondent enquiry officer not to proceed with the enquiry proceedings in respect of the charge memo dated 19.06.2015 issued by the second respondent in Na.Ka.No. 48 of 2015 until the disposal of the main Writ Petition in WP(MD) No. 20660 of 2014 20661 of 2014 and WP(MD) No. 17464 of 2015 pending before this Court.

For Petitioner :Mr.T.Lajapathi Roy
For Respondents :Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
for R.1
:Mr.M.Saravanan
for R.2 and R.3
:No Appearance for R.4

* * * * *



COMMON ORDER

W.P. (MD)No.17464 of 2015 is filed seeking for issuance of a writ of Certiorarified Mandamus to call for the records of the first 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 any disciplinary proceedings against the petitioner in respect of the allegations made by her in her affidavit in W.P. (MD)Nos.20660 and 20660 of 2014.

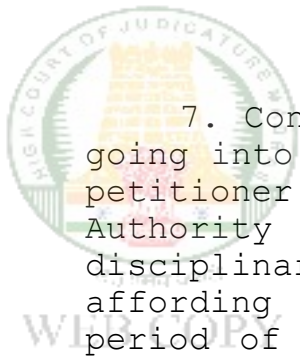
2. W.P. (MD)No.6844 of 2016 is filed seeking for issuance of a writ of Mandamus directing the fourth respondent enquiry officer not to proceed with the enquiry proceedings in respect of the charge memo dated 19.06.2015 issued by the second respondent in Na.Ka.No. 48 of 2015 until the disposal of the main Writ Petition in WP(MD) No. 20660 of 2014 20661 of 2014 and WP(MD) No. 17464 of 2015 pending before this Court.

3. Since the issues arises in both the writ petitions are one and the same, both writ petitions are disposed of by this common order.

4. The case of the petitioner is that the petitioner was appointed as Secondary Grade Teacher in the year 1998 by the erstwhile Management of St.Mary's High School / fourth respondent and the fourth respondent school is a private school receiving aid from the Government of Tamil Nadu and while the petitioner was in employment, she pursued and completed her B.Lit., (Tamil) degree in May 2007 and at the relevant time, when the petitioner underwent her B.Lit., course, she was unaware that prior permission had to be obtained from the office of the third respondent for undergoing higher education during the course of employment. The petitioner completed B.Lit., course through distance education at Annamalai University. But for the subsequent courses which petitioner underwent viz., M.A., and B.Ed., the petitioner had obtained proper prior permission from the third respondent and subsequently, she was promoted to the post of B.T. Assistant(Tamil) on 25.07.2012. However, without notice, that promotion was cancelled on 09.10.2012, by the fourth respondent. Subsequently the second respondent issued a charge memo dated 19.06.2015, as the petitioner made averment that by receiving amount from Mr.T.Augustine Appasamy, the second respondent appointed him.

5. Learned Counsel appearing for the petitioner would submit that the petitioner may be permitted to withdraw the said averment made by her in her affidavit in W.P. (MD)Nos.20660 and 20660 of 2014.

6. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondents and perused the materials placed on record.



7. Considering the facts and circumstances of the case, without going into the merits of the case, this Court granted liberty to the petitioner to raise all those issues before the Disciplinary Authority and the Disciplinary Authority shall complete the disciplinary proceedings on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of six months from the date of receipt of a copy of this order.

8. With the above observations, both the Writ Petitions stand dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Kovilpatti,
Tuticorin District.

+2 CC to M/s.R.SUBRAMANIAN, Advocate (SR-9838[F]
and 9839 dated 10/03/2021)

+2 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-9901[F]
and 9903 dated 10/03/2021)

+1 CC to M/s.SPL GP (SR-10105[F] and 10176 dated
10/03/2021)

W.P(MD)Nos.17464 of 2015 and 6844 of 2016
09.03.2021

RP (26.05.2021) P 7C