



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.3963 of 2017

D.Rosali

.. Petitioner

Vs

1.The Director of School Education,
DPI Campus, College Road, Chennai-6.

2.The Chief Educational Officer,
Madurai.

3.The District Educational Officer(Elementary),
Madurai.

4.The General Manager,
Schools of the Congregation of Immaculate Conception,
Old Kosavapalayam,
Madurai-625 009.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to take up the petitioner's appeal dated 20.12.2016 for setting aside the dismissal order dated 05.12.2016 issued by 4th respondent and to dispose the appeal on merits within a time frame as may be fixed by this Court.

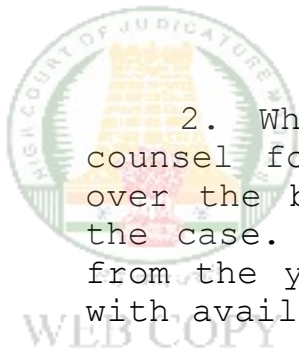
For Petitioner : Mr.K.Abiya

For Respondent Nos.1 to 3 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For Respondent No.4 : Mr.C.Muthusaravanan

O R D E R

The prayer sought for in the present writ petition is for a direction to the 2nd respondent to take up the petitioner's appeal dated 20.12.2016 for setting aside the dismissal order dated 05.12.2016 issued by 4th respondent and to dispose the appeal on merits within a time frame as may be fixed by this Court.



2. When the matter is taken up for hearing, the learned counsel for the petitioner would submit that already she handed over the bundle to the petitioner and she is not going to argue the case. However, considering the fact that the case is pending from the year 2017, this Court is inclined to dispose of the case with available records.

3. On perusal of the records reveals that the petitioner was appointed as record clerk in one of the schools run by the fourth respondent. After possessing Higher qualification, the petitioner was promoted to the post of Headmistress. Since there was a dispute arose between the petitioner and the management, the petitioner management transferred the petitioner to another unit School. The said transfer order was challenged before this Court in W.P.No(MD).16225 of 2016 and the same is pending. In the meanwhile, the petitioner was issued with charge memo and after conducting enquiry, the petitioner was dismissed from service on 05.12.2016. As against the dismissal order, in order to file an appeal, the petitioner approached the second respondent and she was informed that the third respondent is the competent authority to entertain any appeal against the dismissal order. Hence the petitioner sent appeal papers to both the respondents 2&3 and they received the appeal papers on 20.12.2016. But the third respondent did not take any steps to take the appeal for hearing. Hence, this writ petition.

4. Considering the facts and circumstance of the case, the petitioner's only grievance is that the appeal was not disposed by the third respondent. Hence, this Court is inclined to issue a direction to the third respondent to dispose of the appeal filed by the petitioner and accordingly, the third respondent is directed to dispose of the appeal filed by the petitioner after affording opportunity to the petitioner. The said exercise shall be completed within a period of twelve(12) weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19
<https://hcservices.ecourts.gov.in/hcservices/>



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
WEB COPY

- 1.The Director of School Education,
DPI Campus, College Road, Chennai-6.
 - 2.The Chief Educational Officer,
Madurai.
 - 3.The District Educational Officer (Elementary),
Madurai.
- +1 CC to M/s.SPL GP (SR-10546[F] dated 11/03/2021)

W.P. (MD) .No.3963 of 2017
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KG(CO)
AS(12.05.2021) 3P 5C