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WP Nos.40665 to 40673 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-10-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP Nos.40665 to 40673 of 2016

And

WMP Nos.34668 to 34676 of 2016

V.Sakthivel Pandian	..	Petitioner in WP No.40665/2016
M.S.Sivakumar	..	Petitioner in WP No.40666/2016
P.Kirubanandan	..	Petitioner in WP No.40667/2016
G.Seshan	..	Petitioner in WP No.40668/2016
B.Venkatesan	..	Petitioner in WP No.40669/2016
G.Karunanithi	..	Petitioner in WP No.40670/2016
S.Palaniappan	..	Petitioner in WP No.40671/2016
K.Kartheeswaran	..	Petitioner in WP No.40672/2016
S.Anandanarayanan	..	Petitioner in WP No.40673/2016

VS.

Sir M.Ct. Muthiah Chettiar Boys
Higher Secondary School,
23 Raja Annamalai Road,
Purasawalkam,
Chennai – 600 084 Represented by
Secretary School Committee. .. R-1 in all WPs

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The District Educational Officer,
Chennai – North,
Chennai – 600 008.

..

R-2 in all WPs

N.Manoharan

..

R-3 in WPs 40665 and 40666/2016

R.Rajasingh Handal Devadas

..

R-3 in WPs 40668, 40669 and
40671/2016

G.Ramasubramanian

..

R-3 in WPs 40667, 40670, 40672 and
40673/2016

WP No.40665 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in impugned charge memo in S.C.N./V.Sakthivel Pandian, Vocational Teacher (Computer Science)/Na.Ka.No.6-DP/2016 dated 01.09.2016 and the consequent disciplinary proceedings pending before the third respondent and quash the same.

WP No.40666 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in impugned charge memo in S.C.N./M.S.Sivakumar, B.T.Assistant (Maths)/Na.Ka.No.4-DP/2016 dated 01.09.2016 and the consequent



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disciplinary proceedings pending before the third respondent and quash the same.

WP No.40667 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in impugned charge memo in S.C.N./P.Kirubanandan, Library Clerk/Na.Ka.No.9-DP/2016 dated 01.09.2016 and the consequent disciplinary proceedings pending before the third respondent and quash the same.

WP No.40668 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in impugned charge memo in S.C.N./G.Seshan, Junior Assistant/Na.Ka.No.11-DP/2016 dated 01.09.2016 and the consequent disciplinary proceedings pending before the third respondent and quash the same.

WP No.40669 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in impugned charge memo in S.C.N./B.Venkatesan, B.T. Assistant (Tamil)/Na.Ka.No.2-DP/2016 dated 01.09.2016 and the consequent disciplinary proceedings pending before the third respondent and quash the same.



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WP No.40670 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in impugned charge memo in S.C.N./G.Karunanithi, Lab Assistant/Na.Ka.No.8-DP/2016 dated 01.09.2016 and the consequent disciplinary proceedings pending before the third respondent and quash the same.

WP No.40671 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in impugned charge memo in S.C.N./S.Palaniappan, Record Clerk/Na.Ka.No.12-DP/2016 dated 01.09.2016 and the consequent disciplinary proceedings pending before the third respondent and quash the same.

WP No.40672 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in impugned charge memo in S.C.N./K.Kartheeswaran, Office Assistant/Na.Ka.No.7-DP/2016 dated 01.09.2016 and the consequent disciplinary proceedings pending before the third respondent and quash the same.



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WP No.40673 of 2016 is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in impugned charge memo in S.C.N./S.Anandanarayanan, Lab Assistant/ Na.Ka.No.10-DP/2016 dated 01.09.2016 and the consequent disciplinary proceedings pending before the third respondent and quash the same.

For Petitioner in all WPs : Ms.V.S.Manimekalai

For R-1 in all WPs : Mr.T.Madhusudhan Reddy

For R-2 in all WPs : Ms.S.Mythreye Chandru,
Special Government Pleader.

For R-3 in all WPs : No Appearance

COMMON ORDER

The charge memos dated 01.09.2016 issued by the first respondent to the writ petitioners are under challenge in all these writ petitions.

2. Pursuant to the interim orders, the departmental disciplinary



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proceedings are kept pending.

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3. The learned counsel for the writ petitioners made a submission that there was a Management dispute, which went upto the Hon'ble Supreme Court of India and pursuant to the orders of the Apex Court, the Trustee, against whom the allegations are raised by the petitioners, resigned from the Trust and consequently, he was relieved from the Trust. Thus, a New School Committee has to commence its functioning to administer the respondent-School.

4. The learned counsel for the petitioners contended that there is a statutory violation regarding the initiation of departmental disciplinary proceedings against all the writ petitioners. The core contention raised in all these writ petitions is that the resigned Trustee has taken a personal vengeance against the Teachers and framed charges on flimsy grounds.



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5. In view of the developments occurred during the pendency of

all these writ petitions and considering the fact that the Trustee against whom the allegations were raised, resigned from the Trust, this Court is of an opinion that the New School Committee took over the administration of the respondent-School has to take a decision afresh considering the materials available on record and based on the grounds raised by the petitioners and to decide whether any further continuance of the proceedings are required or not. In this regard, the petitioners are at liberty to place all the relevant records as well as the representations, if any, to the New School Committee for their consideration.

6. Accordingly, the petitioners are at liberty to approach the New School Committee in the manner known to law. If at all the petitioners are aggrieved on account of the decision, if any, taken by the New School Committee, they are at liberty to approach the Competent Authorities under the Act and the Court of Law, as the case may be.



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7. With the abovesaid liberty, all the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

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1. The Secretary School Committee,
Sir M.Ct. Muthiah Chettiar Boys
Higher Secondary School,
23 Raja Annamalai Road,
Purasawalkam,
Chennai – 600 084.

2. The District Educational Officer,
Chennai – North,
Chennai – 600 008.



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S.M.SUBRAMANIAM, J.

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