



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 3012 of 2017
and
W.M.P. No. 2908 of 2017

K.Mathialagan

...Petitioner

-vs-

The Chief Educational Officer,
Namakkal District.

...Respondent

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondent passed in Mu. Mu. No. 10907/A1/2016 dated 01.02.2017 and to quash the same and consequently direct the Respondent to allow the Petitioner to continue in service on re-employment till the end of academic year up to 31.05.2017 as per the proceedings issued by the Respondent in Mu. Mu. No. 5524/A1/2016 dated 12.07.2016 with all consequential and other attendant benefits.

For Petitioner : Mr. G.Sankaran

For Respondent : Mr. Stalin Abhimanyu,
Additional Government Pleader
(Education)

O R D E R

Heard Mr. G.Sankaran, Learned Counsel for the Petitioner and Mr. Stalin Abhimanyu, Learned Additional Government Pleader (Education) appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the Order in Moo. Mu. No. 10907/A1/2016 dated 01.02.2017 passed by the Respondent refusing to allow the Petitioner to continue in service.



3. This Court at the time of admission on 07.02.2017 had passed the following self-explanatory order:-

"2. The Learned Counsel for the Petitioner would submit that though the Petitioner retired from service, till the completion of the academic year, he is continuing in service as the Headmaster of the Government High School, R.Pudupalayam, Rasipuram Taluk, Namakkal District and with regard to the complaint given by the Parents-Teachers Association, he had initiated action against Tmt.C.Kavitha, a Graduate Teacher and also submitted proof and without properly appreciating the same, the order of re-employment till the completion of the academic year between 01.08.2016 and 31.05.2017, came to be canceled vide the impugned order. The Learned Counsel has drawn the attention of this Court to paragraph No. 16 of the affidavit and would submit that the original impugned order has been received by him only on 04.02.2017 and he has not handed over the charges to the senior most Post Graduate Assistant and further that, no other person is posted as regular Headmaster of the School and prays for interim orders.

3. Per contra, the Learned Additional Government Pleader appearing for the Respondents would submit that the Petitioner was granted opportunity and he has submitted his explanation on 31.01.2017 and the Respondent, after conducting personal enquiry, has concluded that the allegation leveled against the said teacher, are untrue and therefore, canceled the order of re-employment and prays for time to file counter.

4. This Court, upon hearing the submissions of the Learned counsel appearing for the Petitioner and on going through the materials placed before it coupled with the stand taken by the Petitioner in paragraph 16 of the affidavit, is of the view that a prima facie case has been made out for grant of interim order.

5. Hence, there shall be an order of ad-interim stay till 21.03.2017. It is made clear that in event of this Writ Petition not getting disposed of on or before 31.05.2017, the Petitioner, by virtue of this interim order, cannot continue in service beyond the said date."

Though the Respondent had filed an application in W.M.P. No. 12894 of 2017 on 14.03.2017 to vacate the said interim order, the period for which the Petitioner was permitted to work has already lapsed on 31.05.2017. In such circumstances, though nothing remains for further consideration in respect of the claim made in this Writ Petition, it is made clear that both parties are not precluded from working out their rights relating to any unresolved dispute between them before the proper forum in the manner recognized by law.



In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

skr

To

The Chief Educational Officer,
Namakkal District.

+1cc to Government Pleader SR. No.16231

W.P. No. 3012 of 2017

NMI (CO)
PR (08/04/2022)