



WP(MD)No.18795 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.18795 of 2022

and

W.M.P.(MD)No.13701 of 2022

Santhi,

... Petitioner

/vs./

1.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.

2.The District Educational Officer,
Tiruchendur Education District,
Thoothukudi District.

3.The Block Education Officer,
Alwarthirunagari Block Education Circle,
Thenthirupera, Thoothukudi District.

4.The School Correspondent,
Eka Ratchagar Sabai Middle School,
Mukuperi, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned show cause notice dated 11.08.2022 was issued by the fourth respondent and quash the same as illegal.



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For Petitioner : Mr.J.David Ganesan
For R1 to R3 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

On the basis of the contemplated departmental action, the petitioner was earlier issued with a show cause notice dated 12.12.2019, calling for his explanation. When the petitioner had challenged the show cause notice, before this Court in W.P.(MD)No.27141 of 2019, the writ petition came to be dismissed on 21.02.2022, by directing the petitioner to submit explanation / objection along with documents, if any, in respect of the allegations made in the show cause notice and establish her innocence. This Court had also directed the competent authority to continue with the disciplinary proceedings and conclude the same as expeditiously as possible, as per the procedures contemplated under the Discipline and Appeal Rules.

2.In this background, the present show cause notice dated 11.08.2022 has now been issued, calling for the petitioner's explanation, by giving a time limit of seven(7) days. The grounds raised by the petitioner in this writ petition, touches upon the grounds that were available to him when he had challenged the original



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show cause notice dated 12.12.2019. When this Court had already considered all the grounds that could not have been raised at the relevant point of time of dismissal, reconsideration of the writ petition on such grounds afresh, would be opposed to the principles of constructive res-judicata and hence impermissible. Hence, whatever objections the petitioner may have, could be given by her, by way of reply to the show cause notice.

3.In the result, the writ petition stands closed, with the liberty to the petitioner to give her explanation to the present impugned show-cause notice dated 11.08.2022, within a period of seven days from the date of receipt of a copy of this order. On receipt of such reply, the fourth respondent herein shall consider it, without reference to the time limit given in the impugned notice dated 11.08.2022 and dispose of the same, in accordance with law. Consequently, connected miscellaneous petition stands closed. No costs.

17.08.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

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Order made in
W.P.(MD)No.18795 of 2022
and
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