



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 03.01.2022

ORDER PRONOUNDED ON : 05.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.14164 of 2015

and

MP(MD) .Nos. 1, 2 & 3 of 2015

WEB COPY

C.Arockiya Vanitha
Secondary Grade Teacher
Panchayat Union Primary School
Sevoor, Ramanathapuram District

... Petitioner

Vs

- 1.The Director of Elementary Education
College Road, Chennai 600 006
- 2.The District Elementary Educational Officer
Ramanathapuram District
Ramanathapuram
- 3.The Assistant Elementary Educational Officer
Bogalur 623 527
Ramanathapuram District
- 4.The Headmaster
Panchayat Union Primary School
Sevoor, Ramanathapuram District
- 5.K.Gandhi
Secondary Grade Teacher
Panchayat Union Primary School
Sevoor, Ramanathapuram District

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 2nd respondent, District Elementary Educational Officer in Na.Ka.No.3449/Aa4/2013 dated 01.08.2014 placing the petitioner below 5th respondent in the Master Attendance Register and the impugned seniority list issued by the 3rd respondent AEEO for the year 2015 placing the petitioner at Serial No.10 instead of placing at Serial No.7, quash the same and further direct the 2nd and 3rd respondents to place the petitioner above the 5th respondent in Master Attendance Register and above Mr.N.Marimuthu in Seniority List for the year 2015.



being maintained without any disturbance. The learned counsel further contended that the 5th respondent had given a representation to the 2nd respondent and based upon the said representation, the 2nd respondent has conducted an enquiry and has passed the impugned order refixing the seniority under which the writ petitioner has been placed below the 5th respondent. The learned counsel further contended that no notice was issued calling for explanation from the writ petitioner or any enquiry was conducted before the impugned order was passed.

6.A perusal of the impugned order shows that the impugned order has not been preceded by any notice or enquiry before refixing the seniority. Re-fixation of seniority will attract Civil consequences and without issuing any notice, such an order could not be passed. Hence, the impugned order is set aside for violation of principles of natural justice.

7.This writ petition is allowed and the impugned order is set aside. The matter is remitted to the file of the 2nd respondent for fresh disposal on merits and in accordance with law after affording reasonable opportunity to the writ petitioner and the 5th respondent. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

msa

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

1.The Director of Elementary Education,
College Road, Chennai 600 006.

2.The District Elementary Educational Officer
Ramanathapuram District, Ramanathapuram.



3.The Assistant Elementary Educational Officer,
Bogalur 623 527,
Ramanathapuram District.

4.The Headmaster,
Panchayat Union Primary School,
Sevoor, Ramanathapuram District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-781[F] dated 07/01/2022)
+1 CC to M/s.SPL.GP (SR-764[F] dated 07/01/2022)

**W.P. (MD) .No.14164 of 2015
and
MP (MD) .Nos. 1, 2 & 3 of 2015
05.01.2022**

NSN(CO)
SB(20.01.2022) 5P 7C