



W.P(MD)No.12430 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12430 of 2018

and

W.M.P.(MD)No.11306 of 2018

C.Balamurugan

... Petitioner

Vs.

1.The District Educational Officer,
District Educational Office,
Kovilpatti-628501,
Thoothukudi District.

2.The Secretary,
Ettayapura Raja Higher Secondary School,
Ettayapuram,
Thoothukudi District.

3.Ramkumar Raja

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned charge memo issue by the 2nd respondent herein in his proceedings in Na.Ka.No.12/2018 dated 13.04.2018 and quash the same as illegal and further direct the 2nd respondent herein not to interfere with the with the petitioners right to function as Headmaster of Ettayapuram Raja Higher Secondary school, Ettayapuram, Thoothukudi District.



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For Petitioner : Mr.V.Meenakshisundaram

For R1 : Mr.N.Satheeskumar
Government Pleader

For R2 & R3 : Mr.S.Ramesh
for Mr.V.Raghavachari

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is employed as Headmaster in Ettayapuram Raja Higher Secondary School, Ettayapuram, Thoothukudi District. He questions the charge memo dated 13.04.2018. The primary ground of attack is that it is without jurisdiction. According to the learned counsel for the petitioner, the school in question is an aided private school and it is governed by the provisions of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and that therefore, in the absence of resolution of school committee, charge memo cannot be issued by the Secretary in his individual capacity. He would further state that on the date when the School committee is said to have met, no such meeting took place. He pointed out that the writ petitioner being Headmaster is an Ex-officio member of the school committee. The petitioner is in possession of CCTV footage and he will be in a position to demonstrate that no meeting was conducted on 07.04.2018 in the school premises.



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3. The respondents 2 & 3 have filed a detailed counter affidavit controverting all the allegations and averments set out in the affidavit filed in support of the writ petition.

4. The learned counsel appearing for the school has produced copy of the resolution dated 07.04.2018 authorising initiation of disciplinary proceedings against the petitioner and for issuance of charge memo. The school committee comprises 13 members. Out of them, 9 have signed the resolution. When the resolution copy signed by overwhelming majority of the school committee has been produced before me and it is not the case of the writ petitioner that signatures appearing therein are forged, it is not necessary for this Court to consider the various contentions advanced by the learned counsel appearing for the petitioner.

5. The school committee meeting minutes register has been produced before me. The learned counsel states that he is ready to produce the original also. I am therefore satisfied that the primary contention advanced by the learned counsel appearing for the petitioner has to fail. Few other contentions were urged. I am of the view that they being factual in nature cannot be gone into in writ proceedings.



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6. Leaving open all the contentions and defences of the writ petitioner, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
rmi

To

The District Educational Officer,
District Educational Office,
Kovilpatti-628501,
Thoothukudi District.



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G.R.SWAMINATHAN, J.

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