



W.P(MD)No.16548 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16548 of 2018

and

W.M.P.(MD)No.14634 of 2018

C.Balamurugan

... Petitioner

Vs.

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

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

3.Ettayapura Raja Higher Secondary School,
School Committee,
Rep. Through its Secretary,
Ettayapuram,
Thoothukudi District.

4 M.N.Ramkumar,,
Enquiry Officer,
Ettayapura Raja Higher Secondary School,
Ettayapuram, Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the 3rd and



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4th respondents herein to consider the petitioner's representation dated 18.07.2018 and pass appropriate orders to afford the opportunity of cross examination and to have an assistance of Retired Teacher in the course of Domestic enquiry initiated in pursuance to the charge memo in Na.Ka.No.12/2018 dated 13.04.2018 within a time stipulated by this Court.

For Petitioner : Mr.V.Meenakshisundaran

For Respondents : Mr.N.Sathees Kumar

Addl. Government Pleader for R1 & R2.

Mr.S.Ramesh,

For Mr.V.Raghavachari for R3 & R4.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is employed as Headmaster in the third respondent school. Disciplinary action was initiated against him. The petitioner filed writ petition questioning the charge memo. But no interim order was granted therein. Enquiry commenced. The petitioner submitted representation dated 18.07.2018 seeking permission to have the assistance of a retired teacher in the domestic enquiry. There is no provision for enabling the delinquent to have such a facility. A Writ of Mandamus will lie only to enforce a legal right. Since



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the petitioner does not have any such legal right, the question of directing the management or the enquiry officer to pass order on the petition mentioned representation does not arise. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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To:

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



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G.R.SWAMINATHAN, J.

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