



W.P.(MD)No.7874 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.11.2022**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.7874 of 2017

and

W.M.P.(MD)Nos.6102 & 6103 of 2017

T.Sathiyamalar

... Petitioner

Vs.

1. The Principal Secretary,
School Education Department,
St.George Fort,
Chennai – 9.

2. The Joint Director (ADMIN),
Elementary Education,
DPI Campus,
College Road,
Chennai.

3. The District Elementary Educational Officer,
Sivagangai District,
Sivagangai.

4. The Assistant Elementary Educational Officer,
Thiruppathur Union,
Sivagangai District.

... Respondents



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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 relating to the impugned orders passed by the third respondent in Na.Ka.No.21/A1/2015, dated 28.05.2015 and the order of the second respondent in Na.Ka.No.16355/D2/2015, dated 20.06.2016 and quash the same and consequently, directing the respondents to reinstate the petitioner in service with all consequential and monetary benefits.

For Petitioner : Mr.B.Vinoth Kumar

For Respondents : Mr.S.Saji Bino
Special Government Pleader

ORDER

This writ petition is filed challenging the termination order and the orders passed by the Appellate Authorities and with the consequential relief to reinstate the petitioner in service with the consequential and monetary benefits.



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2. The petitioner was working as Secondary Grade Teacher.

The petitioner married one Prabhakaran and the marriage was ended in failure and the petitioner married another person. The allegation against the petitioner is that she did not disclose her second marriage and she was unauthorizedly absented for 1 year 8 months and 22 days. The contention of the petitioner is that the absence period is not continuous but it is only intermediate periods. The enquiry officer has not perused any records and the enquiry was conducted on a single day and the petitioner was not granted sufficient opportunity. Even the Appellate Authority has not perused the records properly. Hence there is violation of principle of natural justice.

3. On perusing the records this Court is convinced that the petitioner was not granted proper opportunity. Therefore, the impugned order is set aside and the case is remitted back to the District Elementary Educational Officer to conduct a fresh enquiry. The petitioner shall be granted sufficient opportunity and the petitioner is at liberty to submit any documentary evidence. Thereafter, the respondents shall pass a



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speaking order. The said enquiry shall be completed within a period of six months from the date of receipt of the copy of the order.

4. With the above said direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

30.11.2022

Index : Yes / No
Internet : Yes / No
jbr



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S.SRIMATHY, J

jbr

Order made in
W.P.(MD)No.7874 of 2017

30.11.2022