



W.P.(MD)No.29113 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.29113 of 2022
and
WMP(MD) No.23081 of 2022

Arul Regis

Vs.

... Petitioner

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Dindigul District.

2.The District Educational Officer,
Office of the District Educational Officer,
Dindigul District.

3. The Secretary of N.S.V.V.Boys High School,
Pattiveeranapatti, Devarpanpatti Village,
Aathoor Taluk,
Dindigul District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records connected with the Impugned Show Cause Notice in Na.Ka.No.



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18C/2022, dated 17.11.2022, issued by the Respondent No.3 and quash the same as illegal and direct the Respondent No.3 to consider the reply submitted by the petitioner, dated 18.11.2022, in accordance with law within the stipulated by this Honble Court.

For Petitioner : Mr.C.Ezhilarasu.
For R1 and R2 : Mr.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed challenging the impugned Show Cause Notice in Na.Ka.No. 18C/2022, dated 17.11.2022, issued by the third Respondent and to direct the third Respondent to consider the reply submitted by the petitioner, dated 18.11.2022, in accordance with law within a stipulated time.

2. The case of the petitioner is that he was initially appointed as P.G. Assistant in Chemistry on 13.12.1989. Subsequently, the petitioner completed M.Sc., (Chemistry), B.Ed., Degrees., and M.Phil Degrees. According to the petitioner, he is fully eligible for the post of Headmaster. The post of Headmaster fell vacant in the third respondent school on 01.06.2016. However, the third respondent promoted another



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P.G.Assistant, who is junior to the petitioner. Hence, the petitioner submitted an application before the former Secretary of the third respondent school requesting to promote him as Headmaster. In this regard, there was a dispute between the petitioner and the school management. Therefore, intentionally, disciplinary proceedings were initiated against the petitioner and the petitioner has also given suitable explanation for that. However, without considering the explanation, the third respondent has repeatedly issued show-cause notice to the petitioner. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. Though the petitioner has filed this writ petition challenging the show-cause notice issued by the third respondent, it would suffice, if the third respondent is directed to consider the explanation submitted by the petitioner, dated 18.11.2022 and pass orders, on merits and in accordance with law, within a specified period.



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4. The learned Government Advocate appearing for the respondents 1 and 2, has no serious objection for such an order being passed by this Court.

5. Since no adverse order is going to be passed, notice to the third respondent, is dispensed with.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the third respondent to consider the petitioner's explanation, dated 18.11.2022 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.12.2022

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To
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Office of the Chief Educational Officer,
Dindigul District.
- 2.The District Educational Officer,
Office of the District Educational Officer,
Dindigul District.



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M.DHANDAPANI,J.

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and
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