



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.27141 of 2019

and

W.M.P. (MD) Nos.23455 & 23456 of 2019 & 4888 of 2021

A.Santhi

... Petitioner

vs.

1.The Chief Educational Officer
Tuticorin District, Tuticorin

2.The District Elementary Educational Officer
Tuticorin District, Tuticorin

3.The Block Educational Officer
Alwar Union at Thenthiruparai
Tiruchendur Taluk
Tuticorin District

4.The Correspondent
Eka Ratchakar Sabai Middle School
Mukkupaeri, Alwar Thirunagari
Tuticoriin District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records relating to the impugned show cause notice, dated 12.12.2019, issued by the fourth respondent and to quash the same.

For Petitioner : Mr.J.David Ganeshan

For Respondents : Mr.N.Ga.Nataraj

Government Advocate for R1 to R3

Mr.T.A.Ebenezer for R4

O R D E R

The show cause notice, dated 12.12.2019 issued by the fourth respondent - Correspondent of the School, is under challenge in this writ petition.

2. The petitioner was appointed as a Secondary Grade Teacher on 04.06.1992 and promoted as Headmistress on 02.11.2009 in the fourth respondent - School, which is a Private Aided School.

3. Regarding certain allegations of misconduct, the Correspondent of the fourth respondent - School has issued a show cause notice to the petitioner and she has challenged the show cause in this writ petition.



4. This Court is of the considered opinion no writ petition needs to be entertained in respect of a show cause notice, unless the delinquent employee has established that the show cause notice is issued by the incompetent Authority or allegation of *mala fide* is raised.

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5. Asfar as the present case is concerned, the petitioner is working in a Private Aided School. Therefore, even against the final order to be passed in the disciplinary proceedings, appeal remedy is very well available to the petitioner under Section 23 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 (hereinafter, referred to as "the Act") and thereafter, the petitioner has to approach the Tribunal constituted under Section 24 of the Act for second appeal. Without exhausting the statutory remedy provided under the Act, no writ needs to be entertained. Furthermore, in the present case, the petitioner has challenged the show cause notice and therefore, this Court is not inclined to entertain this writ petition.

6. The petitioner is directed to submit explanation / objection along with documents, if any, in respect of the allegations made in the show cause notice and establish her innocence. The Authority competent is bound to continue the disciplinary proceedings and conclude the same as expeditiously as possible, as per the procedures contemplated under the Discipline and Appeal Rules.

7. With these directions, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

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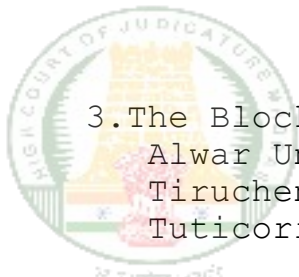
Sub Assistant Registrar(CS)

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To:

1.The Chief Educational Officer,
Tuticorin District, Tuticorin.

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



3.The Block Educational Officer,
Alwar Union at Thenthiruparai,
Tiruchendur Taluk,
Tuticorin District.

+1 CC to M/s.SPL GP (SR-7726[F] dated 22/02/2022)

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and

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SB (CO)

KB (03.03.2022) 3P 5C