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W.P. No. 7367 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7367 of 2023

and

W.M.P. Nos. 7446 & 7449 of 2023

T.Vimala Rose

... Petitioner

-VS-

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

2.The Joint Director of School Education (Personnel)
DPI Campus, Chennai – 6.

3.A.Karuppasamy

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the proceedings of the 2nd respondent dated 30.06.2016 issued in NaKa.No.002267/C3/2004 and quash the same.

For Petitioner : Mr. P.I.Thirumoorthy

For Respondents : Mr. B.Vijay
Additional Government Pleader
(R1 and R2)



W.P. No. 7367 of 2023

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ORDER

Heard Mr. P.I.Thirumoorthy, Learned Counsel for the Petitioner and Mr. B.Vijay, Learned Additional Government Pleader appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that he had been inflicted with the punishment of censure by Order in Na. Ka. No. 002267/C3/200 dated 30.06.2016 passed by the Second Respondent, which had not been served on him and he came to know of the same from the entries made in his service register. Thereafter, the Petitioner claims to have obtained the copy of that order on 10.09.2021 by making an application under the Right to Information Act, 2005, and had preferred appeal dated 22.11.2021 under Rule 19 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, against the said order before the First Respondent, but no order has been passed in the said appeal despite reminders made in that regard. In that backdrop, the Writ Petition has been filed challenging the Order in Na. Ka. No. 002267/C3/2004 dated 30.06.2016 passed by the Second Respondent. However, Learned Counsel for the Petitioner states that the Petitioner would be satisfied if the said

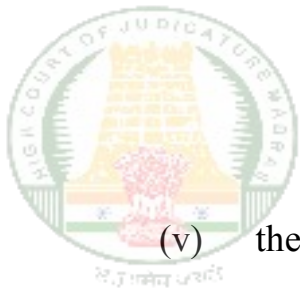


W.P. No. 7367 of 2023

appeal dated 22.11.2021 filed by him before the First Respondent is directed to be disposed within the time limit that may be fixed by the Court.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) the concerned authority shall immediately examine the appeal dated 22.11.2021 preferred by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment; and



W.P. No. 7367 of 2023

(v) the report of such compliance shall be filed before the Registrar

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In fine, the Writ Petition is disposed on the aforesaid terms.

Consequently, connected Miscellaneous Petitions are closed. No costs.

10.03.2023

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Index: Yes/No

Note: Issue order copy by 02.06.2023.

To

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

2.The Joint Director of School Education (Personnel)
DPI Campus, Chennai – 6.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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W.P. No. 7367 of 2023

P.D. AUDIKESAVALU, J.

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W.P. No. 7367 of 2023

Dated : 10.03.2023