



W.P.No.11954 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.11954 of 2020 and
W.M.P.No.14679 of 2020

D.M.Sumathi
Head Mistress
Block-9, NLC Middle School,
Neyveli-1

... Petitioner

Vs

- 1.The Secretary
Office of the General Manager
Education, Sports & Culture
NLC India Limited
Mahatma Gandhi Road,
Block-18
Neyveli-607 803.
- 2.Directorate of School Education,
College Road,
Nungambakkam,
Chennai-600 006.
- 3.The Chief Educational Officer,
Cuddalore District.
- 4.The District Educational Officer,
Vadalur, Cuddalore District

... Respondents



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Prayer : Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, calling for the records pertaining to the impugned proceedings in Lr.No.24/GM/Edu, S & C/2020 dated 30.05.2020 and consequential impugned order in Lr.No.46/GM/Edu, S&C/2020 dated 29.07.2020 passed by the 1st respondent and quash the same and direct the respondents confer all the consequential benefits to the petitioner.

For Petitioner : Mr.Mr.V.Sivalingam
for MC.S.Associates

For Respondent 1 : Mr.N.Nithianandam
Standing Counsel

For Respondents 2 to 4 : Mr.P.Sanjev Gandhi
Government Advocate

ORDER

The writ petition has been filed to quash the impugned proceedings in Lr.No.24/GM/Edu, S & C/2020 dated 30.05.2020 and consequential impugned order in Lr.No.46/GM/Edu, S&C/2020 dated 29.07.2020 passed by the 1st respondent and direct the respondents to confer all the consequential benefits to the petitioner.



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2. The case of the petitioner is that she was appointed as a Secondary Grade Teacher in Aided Middle School, Irusalkuppam, Viruthachalam Block on 03.11.1988 and she was promoted as Head Mistress of Middle School in the year 1995. Thereafter, she was transferred to NLC Management and posted at NLC Middle school, Thanvankuppam as Secondary Grade Teacher on 17.09.1997. Further, she was promoted as B.T.Assistant (Science) on 01.09.2006 and posted at Block-11, NLC Girls Higher Secondary School. Later, she was promoted as Head Mistress on 01.06.2015 and posted at Block-20, NLC Middle School. Again, she was transferred to Block-9 NLC Middle School. It is the contention of the petitioner that the 1st respondent, vide impugned proceedings dated 30.05.2020, levelled certain charges against her alleging that on 16.08.2019, when the 1st respondent conducted an inspection at NLC Middle School, Block-20, Neyveli, they found only 66 students were physically present against the total strength of 98 students recorded in the Daily Attendance Abstract.



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3. On 30.05.2020, the 1st respondent issued a charge memo to the petitioner on the allegation that the petitioner was giving attendance to the students, who are not even present in the school. The petitioner challenged the above said charge memo stating that at the time when the charge memo was given, there was no School Committee and hence, there is no authority for the respondent to issue any charge memo. The petitioner has also given due explanation as to the reasons for the absence of the students by producing the Daily Attendance Abstract.

4. The learned Government Advocate appearing for the respondents 2 to 4 filed a counter stating that the disciplinary proceedings has been initiated against the petitioner only when there was sound materials to make out the lapse on the part of the petitioner. Further, in pursuance to the G.O.102, School Education Department, dated 04.11.2020, the School Committee was extended from 26.02.2020 till 25.02.2023. The said petition would cover the date during which the charge memo has been issued i.e on 30.05.2020.



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6. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

09.10.2023

Index: Yes/No
Internet: Yes/No
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To
1.The Secretary
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Neyveli-607 803.



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R.N.MANJULA ,J.

nr

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