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W.P.No.20789 of 2022 and W.M.P.Nos.20168 & 20169 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.20789 of 2023 and
W.M.P.Nos.20168 & 20169 of 2023

J. Swarna

... Petitioner

VS.

1. The State of Tamil Nadu
Rep by its Principal Secretary,
Department of School Education
Fort St. George, Chennai 600009.
2. The Commissioner of School Education
College Road, Chennai 600006.
3. The Chief Educational Officer,
Presidency Girls Hr. Sec. School,
Spurtank Road, Egmore,
Chennai 600008.
4. The District Educational Officer,
Chennai (South) (Sec.)
Saidapet, Chennai 600015.
5. The Correspondent,
YMCA Boys Town High School,
Fort St. George,
Chennai 600009.

... Respondents



W.P.No.20789 of 2022 and W.M.P.Nos.20168 & 20169 of 2023

Prayer: Writ Petition filed under Section 226 of the Constitution of India to issue a Writ of Certiorari or any other writ or order or similar nature calling for the records relating to the Proceedings passed by the District Educational Officer, Chennai 600094 East passed in Mu.Mu.No.4770/70/m4/05 dated 15.09.2005 and R.C.No.4561/A3/2014 dated 19.09.2014 which is given effect through the alleged decision of the Board of Directors in YMCA on 07.03.2022 and quash the same.

For Petitioner : Mr. A.R. Nixon

For Respondents : Mr. P. Baladhandayutham
Spl.Government Pleader [for R1 – R4]

Mr.L. Chandrakumar for
Mr.V.R. Thangavelu [for R5]

ORDER

Writ Petition has been filed challenging the proceedings passed by the District Educational Officer, Chennai 600094 East passed in Mu.Mu.No.4770/70/m4/05 dated 15.09.2005 and R.C.No.4561/A3/2014 dated 19.09.2014.

2. It is the case of the Writ Petitioner that she was promoted as Headmistress in YMCA Boys Town High School, Fort St. George, Chennai on 01.06.2004 and continued in the same position. However, in the year 2021 the Correspondent has decided to conduct an in house enquiry regarding the petitioner attended the VII



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M.M. Court in obedience of summons from VII Metropolitan Magistrate, George

Town, Chennai in C.C.No.3267 of 2017 on 05.03.2020 and also the complaint

given to the Inspector of Police dated 06.03.2021. After conducted the enquiry

the Writ Petitioner was de promoted as Class Teacher from Headmistress without

the consent of the competent authority. Hence, she filed W.P.No.16365 of 2022

challenging the proceedings of the 5th Respondent. This court vide order dated

06.07.2022 disposed of the writ petition with a direction to consider the

explanation of the Petitioner and pass appropriate orders and not to disturb the

writ petitioner's continuous service. Thereafter, the 5th Responded passed the

impugned proceedings dated 19.09.2014 relating to the reduction of rank relating

to her salary fixation and other documents. Since she came to know about the

impugned proceedings dated 15.09.2005 and 19.09.2014 recently, she filed this

writ petition to quash the same.

3. The entire grievance of the Writ Petitioner appears that because of the

above impugned orders the Petitioner's position would be reduced to B.T.

Assistant. Mr. Nixon, learned counsel appearing for the Petitioner submitted that

the proceedings of the District Educational Officer, Chennai 600094 East passed

in Mu.Mu.No.4770/70/ 24/05 dated 15.09.2005 has not been communicated to



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the Petitioner. Now both the orders sought to be put against the writ petitioner.

Therefore, she is challenging those orders.

4. On perusal of the entire Writ Petition this Court is of the view that there is no order passed to challenge. The Petitioner is now based on some apprehension in some proceedings, tried to challenge the order passed in the year 2005 and 2014. The order dated 19.09.2014 passed in R.C.No.4561/A3/2014 addressed by the District Educational Officer, wherein it is intimated that the YMCA Boys Town High School was upgraded from Middle School to High School vide G.O.No.1589 Dated 02.12.1992 on the condition upgraded classes will function on self finance. As per G.O.No.1589 dated 13.11.1990 the headmaster of the Middle School will be reverted as B.T.Assistant with pay protection. It is also indicated that whenever a Middle School is upgraded as High School, the incumbent holding the post of Middle School Headmaster may be reverting as B.T.in the upgraded High School. In the Proceedings dated 15.09.2005, the Special Pay paid to the Petitioner has been withdrawn. This Order has been passed in the year 2005. Now these two orders have been challenged before this Court.



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5. It appears that the Petitioner is challenging some disciplinary proceedings pending against her in Enquiry No.1 of 2022. Therefore this Court is of the view that the Petitioner has to defend the charges in the enquiry proceedings. Under the protest of challenging the Government Order passed 18 years back, now the Petitioner cannot challenge the order. It suffers from delay and laches. The very pleadings make it clear that in order to defend the disciplinary proceedings this petition has been filed. Hence I do not find any merits in this writ petition.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

31.08.2023

Index : Yes/No

Neutral Citation : Yes/No

ggs

copy to:

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N. SATHISH KUMAR, J.
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