



W.P.No.21317 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.21317 of 2023 &

WMP.No.20714 of 2023

P.Bakkiyalakshmi

... Petitioner

Vs

1. The Director of School Education,
[Elementary Education],
College Road, DPI Compound,
Chennai – 600 006.
2. The District Educational officer,
[Elementary Education],
Cuddalore.
3. The Block Educational officer,
O/o.The Block Educational Officer,
Anna Gramam Block, Panruti,
Cuddalore – 607 112.
4. The Panchayat Union Middle School,
Panapakkam Anna Gramam Block,
Panruti Taluk, Cuddalore.

... Respondents



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Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records on the file of the second respondent in connection with the proceedings with charge memo dated 26.04.2023 in Na.Ka.No.244/Aa2/2022 communicated by the third respondent by a letter dated 10.05.2023 in Na.Ka.No.845/A3/2015 and quash the same and direct the respondents to allow the petitioner to continue as a Secondary Grade teacher at the fourth respondent's school or pass any Order allotting the petitioner as a Secondary Grade Teacher in some other school with continuity of service with all benefits and backwages.

For Petitioner : Mr.J.Shanmuga Sundara Babu

For respondent : Mr.M.Alagu Gowtham
Government Advocate

ORDER

This Writ Petition has been filed to quash the Impugned proceedings with charge memo dated 26.04.2023 in Na.Ka.No.244/Aa2/2022 communicated by the third respondent by a letter dated 10.05.2023 in Na.Ka.No.845/A3/2015 and direct the respondents to allow the petitioner to continue as a Secondary Grade teacher at the fourth respondent's



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school or pass any Order allotting the petitioner as a Secondary Grade Teacher in some other school with continuity of service with all benefits and backwages.

2. The main grievance of the writ petitioner is that the petitioner was working in the fourth respondent School. When the petitioner was on medical leave one, Mrs. Meera was allotted in the petitioner's place at the fourth respondent school under the guise of transfer and the petitioner was not served any transfer Order or relieving Order. In this regard the petitioner has filed a Writ Petition in W.P.No.26786 of 2015 and the same is pending before this Court. Now, a charge memo has been served to the petitioner on the allegation that transfer Order in Na.Ka.No.3603/A2/2015 dated 17.08.2015 was served, but she has not been relieved and continued to work. Hence, it is his contention that transfer Order has not been served on him and charge memo has been issued after eight years. Hence, the charge memo was sought to be quashed.



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3. Though it is stated that the charge memo is vindictive in nature and transfer Order has not been served on the petitioner, at the outset, this Court is of the view that the very allegation by the petitioner appears to be disputed fact and when charge memo has been served on the petitioner, such disputed facts cannot be gone into in this Writ Petition. It is for the petitioner to participate in the enquiry and establish that no transfer order has been served on her. Hence, at this stage, the Writ Petition is not maintainable. However, the respondent shall complete departmental proceedings within a period of three months from the date of receipt of a copy of this Order.

4. With the above direction, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

19.07.2023

Index: Yes/No

Neutral Citation : Yes/No

vrc



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To,
WEB COPY

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N.SATHISH KUMAR, J.

VTC

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