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W.P.No.22108 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P.No.22108 of 2023 &
WMP.Nos.21514 & 21515 of 2023**

Emerson John Durairaj

... Petitioner

Vs

1. The Director of School Education,
DPI Campus, College Road, Chennai – 600 006.
2. The Distirct Educational Officer [Anglo-Indian]
The Office of the District Educational Officer,
No.9, Kamarajar Salai, Triplicane, Chennai – 05.
3. The Correspondent,
Christ Church Anglo-Indian Higher Secondary School,
56, Anna Salai, Chennai – 600 002. ... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Order of suspension dated 18.07.2023 in Order No.1/2023, on the file of the third respondent and quash the same, directing the respondents to permit the petitioner to continue his service



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as Headmaster in Christ Church Anglo-Indian Higher Secondary School,
No.56, Anna Salai, Chennai – 600 002.

For Petitioner : Dr.Xavier Arulraj, SC
for Father Xavier Associates

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader – R1 & R2

ORDER

This Writ Petition has been filed to quash the impugned Order of suspension dated 18.07.2023 in Order No.1/2023, on the file of the third respondent and direct the respondents to permit the petitioner to continue his service as Headmaster in third respondent school.

2. The case of the writ petitioner is that on the representations given by the staff of the third respondent school, enquiry was conducted and in the enquiry it has been recorded that full salary was not paid by the management to the staff for the period from April 2021 to April 2022. On the basis of the enquiry, a show cause notice has been issued



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to the petitioner and he was suspended by the impugned Order dated 18.07.2023 of the third respondent. The grievance of the petitioner is that he has nothing to do with the management of the school and hence, he seeks to quash the impugned Order and to permit him to continue his service as Headmaster in the third respondent school.

3. Though various grounds have been raised in this Writ Petition apart from malafide, on a perusal of the impugned Order, this Court is of the view that disputed facts cannot be gone into in this Writ Petition. As misappropriation and creations of records are alleged in the charge memo, the same cannot be questioned at this stage. Hence, I do not find any merits in this Writ Petition.

4. Accordingly, this Writ Petition is dismissed. However, the third respondent is directed to conduct enquiry after giving opportunity to the petitioner and conclude the disciplinary proceedings within a period of three



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months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petitions are closed. No costs.

28.07.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

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N.SATHISH KUMAR, J.

VTC

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