



W.P.(MD)No.982 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.(MD)No.982 of 2020

and

W.M.P(MD) No.799 of 2020

Jamindhar Street High School,
represented by its Secretary
Thiru.T.Venkatesan,
Devakottai 630 302,
Sivagangai District.

... Petitioner

Vs.

- 1) The Joint Director of School Education (Secondary),
O/o. the Joint Director of School Education,
Chennai – 600 006.
- 2) The Chief Educational Officer,
O/o. the Chief Educational Officer,
Collectorate Compound,
Sivagangai District.
- 3) The District Educational Officer,
O/o. the District Educational Officer,
Meenakshi Complex,
Devakottai,
Sivagangai District.
- 4) S.Meenalotchani

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorari, to call for the records relating to the impugned order passed by the first respondent in his proceedings in e/f/vz;/49500-\$P2-,1-2019. dated 08.08.2019 and quash the same as illegal.

For Petitioner	:	Mr.M.Mohamed Suhail
For R1 to R3	:	Mr.S.Saji Bino Special Government Pleader
For R4	:	No appearance

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent, dated 08.08.2019 and to quash the same.

2. The case of the petitioner is that he is the Secretary of Zamindhar Street High School. The fourth respondent was working as the Secondary Grade Teacher in the petitioner's School. On account of misconduct committed by her, a disciplinary proceeding was initiated against her and a punishment of stoppage of increment for a period of one year with cumulative effect was also imposed. Challenging the same,



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the fourth respondent has filed an appeal before the second respondent.

While so, the fourth respondent was transferred to another school along with the post by the second respondent, vide order dated 04.01.2017.

The fourth respondent and two other teachers filed the writ petitions in W.P.(MD).Nos.20085 to 20087 of 2013 before this Court, challenging the impugned show cause notice dated 28.07.2006 issued by the fifth respondent and the final order dated 17.08.2006 issued by the fifth respondent. This Court, by order dated 02.04.2018, disposed the writ petition and directed the first respondent to dispose of the appeal filed by the fourth respondent. Thereafter, the first respondent vide order dated 08.08.2019, allowed the appeal filed by the fourth respondent, on the ground that prior permission was not obtained and proper enquiry officer was not appointed. Challenging the same, the petitioner School has filed the present writ petition.

3. The learned counsel appearing for the petitioner would submit that though the fourth respondent was not working in the petitioner School, she was deployed to some other School. Hence, the order passed



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by the first respondent is not sustainable one and the said order was passed after lapse of eight years, which is impermissible one. Therefore, he prayed for appropriate orders.

4. The first respondent has filed a counter stating that there was no cordial relationship between the petitioner school and the fourth respondent. To avoid further hardship, the fourth respondent was deployed to the Chidambaram Chettiar Girls Higher Secondary School along with her post. The petitioner School was in the habit of ill treating the teachers and in the habit of stopping various benefits to the teachers such as pension etc. The petitioner School Management did not observe the usual procedure laid down in the Rules. No enquiry officer was appointed and no opportunity was given to the teacher. There was no valid reason for inflicting such severe punishment and no show cause notice was issued to the fourth respondent to defend his case. Hence, the Joint Director of School Education ie., the appellate authority cancelled the punishment of stoppage of increment by an order dated 08.08.2019. Therefore, he prayed for dismissal of this writ petition.



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5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

6. The facts in the present case are not in dispute. Admittedly, the fourth respondent was employed in the petitioner School as Secondary Grade Teacher. There was a dispute in between the petitioner School and the fourth respondent Teacher and initially, disciplinary proceeding was initiated against the fourth respondent, which culminated the punishment of stoppage of increment for a period of one year with cumulative effect, vide letter dated 17.08.2006. Thereafter, the order was challenged before this Court in W.P.(MD).Nos.20085 to 20087 of 2013. This Court, by order dated 02.04.2018, issued a direction to the first respondent to pass orders on the appeal filed by the fourth respondent. Pursuant to which, the present impugned order has been passed. However, the grievance of the petitioner is that the order was passed after lapse of eight years. That ground is misconceived one, since the impugned order was passed



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pursuant to the order passed by this Court in W.P.(MD).Nos.20085 to 20087 of 2013, dated 02.04.2018, which cannot be interfered with. The said writ petition is pending for a period of five years. Further, the petitioner School is acted as a quasi judicial authority as against the fourth respondent and the quasi judicial authority is not the aggrieved person. Hence, the prayer sought for in this writ petition is misconceived.

7. In the result, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

05.01.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

akv

To

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Chennai – 600 006.



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M.DHANDAPANI, J.

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