



W.P(MD)No.5252 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5252 of 2023
and
W.M.P.(MD)No.4939 of 2023

K.Kamala

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St.George, Secretariat,
Chennai - 9.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Nungambakkam, Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Tirunelveli - 627 001.
- 4.The Assistant Elementary Educational Officer,
Tirunelveli Urban, Tirunelveli - 627 001.
- 5.P.Subramanian

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the



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records relating to the impugned order of the 3rd respondent in Na.Ka.No.547/Aa5/2022 dated 01.03.2023 and consequential impugned order of the 4th respondent in Na.Ka.No.179/A2/2023 dated 07.03.2023 and quash the same as illegal.

For Petitioner : Mr.A.Arun Prasad

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 to R4.
No appearance for R5.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the official respondents. The private respondent has been served and his name is printed in the cause title, he has not chosen to enter appearance.

2.The petitioner challenges the impugned order dated 01.03.2023 passed by the District Educational Officer, Tirunelveli. It is pursuant to the proceedings dated 22.02.2023 passed by the Director of Elementary Education.



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3.The petitioner has been downgraded from the post of Middle School Headmistress to Primary School Headmistress. The fifth respondent has been promoted in her place. The petitioner and the department as well as the fifth respondent were earlier locked in litigation. The fifth respondent herein filed W.P.(MD)No.20039 of 2015. The petitioner herein figured as the fifth respondent. The said writ petition was disposed of on 01.02.2022 in the following terms:-

“6. Therefore, this Court is remitting back the entire issue to the second respondent, the Director of Elementary Education, to look into the issue of seniority as well as the promotion granted to the fifth respondent. If the promotion to the fifth respondent is in accordance to law, then the same shall be continued, but if it is against any rule, the Director of Elementary Education shall take a call and if need be set aside the promotion. If the petitioner is eligible as per the rule, then the Director of Elementary Education is directed to grant promotion as per law.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.”

4.It is true that this Court remitted to the matter to the file of the authorities. They authorities had thereafter taken a decision. Even though this Court has not directed so many words, it is implicit that the



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petitioner must have been put on notice. It is on this ground, I am constrained to interfere. The authorities must have borne in mind that so long as the principles of natural justice have not been excluded, they will have to be followed and applied. It is for this reason, the impugned order is set aside. The parties will be given an opportunity of hearing by the third respondent. The third respondent shall forward the record including the minutes of hearing to the second respondent and the second respondent pass an order. The second respondent need not hear the petitioner and the fifth respondent in person. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

22.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-
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G.R.SWAMINATHAN, J.

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