



W.P(MD)No.5547 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5547 of 2023

and

W.M.P.(MD)Nos.5171 & 5173 of 2023

Edwin Suthan

... Petitioner

Vs.

- 1.The Secretary to the Government,
Department of School Education,
St.George Fort, Chennai.
- 2.The Director of School Education,
DPI Compound,
College Road, Chennai.
- 3.The Chief Educational Officer,
Tirunelveli-627 009,
Tirunelveli District.
- 4.The District Educational Officer (Secondary),
Tirunelveli Town-627 001,
Tirunelveli District.
- 5.The Secretary,
P.L.W.A Higher Secondary School,
Vickramasingapuram,
Tirunelveli District.
- 6.R.Murali



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7.Sahayaraj

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in respect of orders issued by the fifth respondent dated 10.12.2022 & 20.12.2022 and quash the same as illegal.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader for R1 to R4

: Mr.G.Prabhu Rajadurai
for Mr.M.P.Senthil for R5 to R7

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was appointed as physical education teacher in the 5th respondent school in the year 2008. The petitioner had a running battle with the school management since 2009. The petitioner had succeeded before this Court. At this stage, the impugned show cause notice dated 10.12.2022 has been issued. The same is put to challenge in this writ petition.



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3. The learned counsel appearing for the petitioner states that the very issuance of the impugned show cause notice is vitiated by malafides. I do not want to go into the merits of the matter. Suffice it to say that what has been issued is only a show cause notice. It is for the petitioner to offer his explanation calling upon the Management to drop further proceedings. At this stage, the learned counsel for the Management submitted that since the petitioner did not respond, they had already conducted enquiry. When I indicated that the show cause notice does not appear to be a formal charge memo, the learned standing counsel on instructions submitted that a formal charge memo will be issued to the petitioner. It is also stated that the petitioner will be given fullest opportunity provided he avails the same. What has been issued in the writ petition is a mere show cause notice. It is too well settled that a show cause notice by itself will not lead to infringement of the rights of the noticee.

4. Recording the submission of the learned standing counsel, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

31.03.2023

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

rmi

To

- 1.The Secretary to the Government,
Department of School Education,
St.George Fort, Chennai.
- 2.The Director of School Education,
DPI Compound,
College Road, Chennai.
- 3.The Chief Educational Officer,
Tirunelveli-627 009,
Tirunelveli District.
- 4.The District Educational Officer (Secondary),
Tirunelveli Town-627 001,
Tirunelveli District.

W.P(MD)No.5447 of 2023

31.03.2023