



W.P(MD)No.7243 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7243 of 2023

J.Nicholas

... Petitioner

Vs.

- 1.The Commissioner of School Education,
DPI Campus,
College Road,
Chennai-6.
- 2.The Chief Educational Officer,
Pudukkottai,
Pudukkottai District.
- 3.The District Educational Officer,
Pudukkottai,
Pudukkottai District.
- 4.The Roman Catholic Diocese of Tiruchirappalli,
Represented by its Rev.Bishop/Manager of Schools,
12A, Convent Road, Melapudur,
Trichy-1.
- 5.The Superintendent of Schools,
Diocesan Educational Council,
PB No.5, Nallayan Nilayam,
Melapudur,
Trichy,
Trichy District.



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6.St.Thomas Higher Secondary School,
Represented by its Correspondent,
Nazareth, Kunnathur,
Pudukkottai District-621 316.

7.Fr.A.Leo Melquir Babu,
St.Thomas Higher Secondary School,
The Correspondent,
Nazareth, Kunnathur,
Pudukkottai District-621 316.

8.The Internal Complaints Committee,
Represented by its Chairperson,
St.Thomas Higher Secondary School,
Nazareth, Kunnathur,
Pudukkottai District-621 316.

9.Sister C.Panimalar,
The Chairperson,
Internal Complaints Committee,
St.Thomas Higher Secondary School,
Nazareth, Kunnathur,
Pudukkottai District-621 316.

10.Mrs.A.Roseline Amutha,
Office Assistant,
St.Thomas Higher Secondary School,
Nazareth,
Kunnathur,
Pudukkottai District-621 316.

... Respondents

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 pertaining to the impugned Inquiry Report dated 18.01.2022 on the file of the eight respondent and the consequential impugned order dated 24.02.2023 on the file



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of the fourth respondent and quash the same as illegal.

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For Petitioner : Mr.T.Aswin Rajasimman
for M/s.Lajapathi Roy and Associates

For Respondent : Mr.N.Satheeshkumar
Additional Government Pleader for R1 to R3

: Mr.S.Savarimuthu
for M/s.Father Xavier Association for R4 to R7

: Mr.M.Karthikeya Venkatachalapathy for R10

: No appearance for R8 & R9

ORDER

Heard the learned counsel on either side.

2. What is under challenge is a mere memo. The petitioner has been called upon by the school management to offer his explanation as to why disciplinary action should not be taken against him.

3. The question of interfering at this stage does not arise. This is primarily because the petitioner's right have not been infringed at all. The apprehension of the petitioner appears to be that the management may go entirely by the report of the Internal Complaints Committee. It is



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well settled that the report of the Internal Complaints Committee is only recommendatory in nature. If the management decides to initiate action against the petitioner by framing charges, they will have to be established in an independent enquiry which has to be held as per law. Leaving open all the defences of the petitioner, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

12.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

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