



W.P(MD)No.7611 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7611 of 2023

and

W.M.P.(MD)Nos.7080, 7081 and 7083 of 2023

M.Bagavathi

... Petitioner

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thoothukudi, Thoothukudi District.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tenkasi (at Courtallam),
Tenkasi District.
- 3.The President / Secretary,
Sri Parasakthi Vidyalaya (CBSE),
Courtallam – 627 802,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned inspection and enquiry report dated 13.12.2022 in Na.Ka.No.7003/2022/A4 passed by the



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2nd respondent and consequential Impugned Order dated 14.12.2022 in Na.Ka.No.A1/03/2022 passed by the 3rd respondent and quash the same as illegal and consequently directing the 3rd respondent to permit the petitioner to discharge her duty as Teacher under 3rd respondent school by considering her representation dated 08.02.2023.

For Petitioner : Mr.C.Saravana Kumar

For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate for R1 & R2.

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 and 2.

2.The petitioner challenges the impugned order whereby the petitioner has been directed to pay more than Rs.20 Lakhs to the school management. The petitioner was employed as a temporary teacher in the third respondent school which is run by Hindu Religious and Charitable Endowment Department. It is stated by the respondents 1 and 2 that the petitioner is no longer reporting for duty and that she has abandoned her job. It is not in dispute that the management is not receiving aid from the



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Government. The petitioner is holding the post of teacher only on temporary basis. She was said to be working under what is known as self-financing scheme. The specific stand of the respondents 1 and 2 is that the petitioner had misappropriated a substantial sum collected from the students. It appears that an FIR has been registered against the petitioner.

3.In these circumstances, the question of interfering with the impugned order does not arise at all. If the petitioner is a regular government employee, then before passing such an order, the principles of natural justice will have to be complied with and enquiry will have to be conducted. The petitioner is not a regular government employee. Even by issuing the impugned order, no summary steps can be taken to recover the amount. The management will have to ultimately file a civil suit for recovering the amount from the petitioner. Of course, the management can also process the criminal prosecution against the petitioner. If any civil suit is filed or any criminal prosecution is launched, the management will have to establish its case against the petitioner independently.



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G.R.SWAMINATHAN, J.

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4. With this observation, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

21.04.2023

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

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thoothukudi, Thoothukudi District.

2. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tenkasi (at Courtallam),
Tenkasi District.

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