



W.P.(MD)No.11792 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.11792 of 2020

M.Mareesan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Textbook and Educational Services Corporation,
E.V.K.Sampath Maligai,
No.68, College Road,
Chennai-600 006.

2.Tamil Nadu Textbook and Educational Services Corporation,
Rep.by its Member Secretary,
E.V.K.Sampath Maligai,
No.68, College Road,
Chennai-600 006.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records relating to the impugned order of punishment of censure issued by the 1st respondent in Se.Mu.Aa.No.5296/Aa1/2013 dated 20.04.2018 and consequential impugned rejection of appeal passed by the 2nd respondent in proceedings in Rc.No.7554/A1/2019 dated 26.09.2019 and quash both



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as illegal and arbitrary and consequently direct the respondents to notionally promote him in the post of Deputy Director from the year 2015 with all attendant and monetary benefits within the time stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed to call for the records relating to the impugned order of punishment of censure issued by the 1st respondent in Se.Mu.Aa.No.5296/Aa1/2013 dated 20.04.2018 and consequential impugned rejection of appeal passed by the 2nd respondent in proceedings in Rc.No.7554/A1/2019 dated 26.09.2019, quash both as illegal and arbitrary and consequently, direct the respondents to notionally promote him in the post of Deputy Director from the year 2015 with all attendant and monetary benefits within the time stipulated by this Court.



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2. The learned counsel appearing for the petitioner would submit that as against the impugned order of punishment issued by the 1st respondent, the petitioner has preferred an appeal before the 2nd respondent on 15.05.2018. However, no order was passed. Hence, the petitioner has filed a writ petition in W.P(MD).No.14326 of 2019. This Court vide its order dated 27.06.2019, issued a direction to the concerned respondent to dispose of the petitioner's appeal within a period of eight weeks from the date of receipt of a copy of the order. Pursuant to which, the consequential impugned rejection order has been mechanically passed without any benefit of materials. Hence, the present writ petition has been filed.

3. Per contra, the learned Special Government Pleader appearing for the respondents would submit that as against the order of the Appellate Authority, there is an effective alternate remedy before the Board and without exhausting the appellate remedy before the Board, filing a writ petition under Article 226 of the Constitution of India is not sustainable one.



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4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. In view of the submissions made by the learned Special Government Pleader appearing for the respondents, instead of exhausting the alternate remedy available before the Board, filing a writ petition under Article 226 of the Constitution of India is not sustainable one. However, if any appeal is filed by the petitioner before the Board, the Board is directed to pass appropriate orders within a period of 12 weeks from the date of filing of the appeal.

6. Accordingly, this Writ Petition is dismissed. No costs.

06.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
ssb



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M.DHANDAPANI,J.

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