



W.P(MD)No.12130 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12130 of 2021

and

W.M.P(MD)No.9543 of 2021

V.Chandra Kala

... Petitioner

Vs

- 1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Madurai District.
- 2.The District Educational Officer,
Office of the District Educational Officer,
Madurai District,
Madurai.
- 3.Ayira Vaisya Higher Secondary School,
Represented by its Secretary,
Vellaambalam,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.5861/A4/2021 dated 04.05.2021 and quash the same as illegal.



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For Petitioner : Mr.Aswin Rajasimman

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader
for R.1 & R.2

ORDER

Heard the learned counsel on either side.

2.The petitioner is employed as PG Assistant (History) in the third respondent School. By the impugned order dated 04.05.2021, she has been visited with the punishment of stoppage of increment for a period of six months without cumulative effect. The said order has to be set aside for the simple reason that on the very same cause of action the petitioner was already dealt with.

3.The third respondent School is a private aided institution. An allegation was made that proper entries were not made in the attendance register pertaining to one particular student. She lodged a complaint before the Human Rights Commission. In that regard, the District Educational Officer, Madurai has issued proceedings dated 05.10.2018. After getting the petitioner's explanation on 03.12.2018, the School Committee passed a resolution and based thereon, warning was issued to the petitioner and the petitioner was informed if in future similar complaints were received, she would be severely



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dealt with. Copy of the said communication dated 26.12.2018 is enclosed in the typed set of papers.

4.The School Management came under direct payment with effect from 19.12.2019. On 04.05.2021, the District Educational Officer, Madurai passed the impugned order. During the relevant time, the competent authority was the School Committee. It had already dealt with the issue. Once an issue has been dealt with in a particular manner, it is not open to the Education Department to reopen the issue merely because the School in question had come under direct payment system subsequently. The order impugned in this writ petition is set aside.

5.This writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

14.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Madurai District.



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G.R.SWAMINATHAN, J.

MGA

2.The District Educational Officer,
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and
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