



W.P.(MD)No.5050 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.5050 of 2018
and
W.M.P(MD)No.5017 of 2018

S.Anthony Jeya Selvan

... Petitioner

Vs.

1.The Director of School Education,
Department of School Education,
DPI Complex, College Road,
Chennai – 600 006.

2.The District Educational Officer,
O/o.District Educationl Officer,
Tirunelveli District.

3.The St. Xavier's Higher Secondary School,
Rep. by the Correspondent,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of dismissal from service dated 28.02.2017 on the file of the third respondent and quash the same as



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illegal and consequently directing the respondents to reinstate the petitioner in the post of Junior Assistant (Clerical Level) with the third respondent school with all consequential benefits.

For Petitioner	: Mr.I.Pinaygash
For R-1 & R-2	: Mr.J.Ashok, Additional Government Pleader
For R-3	: Mr.K.Ragatheesh Kumar for M/s.Isaac Chambers

ORDER

This writ petition has been filed challenging the impugned order of dismissal from service, dated 28.02.2017, passed by the third respondent as illegal and consequently, to direct the respondents to reinstate the petitioner in the post of Junior Assistant (Clerical Level) with the third respondent school with all consequential benefits.

2. The case of the petitioner is that the petitioner was selected to the post of Junior Assistant in clerical cadre in the third respondent school on 12.07.1993 and the said post was approved by the official respondents. While being so, on 07.11.2016, the third respondent issued a charge memo against the petitioner as if the petitioner misappropriated



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the income tax amount by not remitting the same to the State Bank of India, Palayamkottai and remitted the amount after three months and 17 days on 28.10.2015 and further, the petitioner prepared a bogus record as if the amount was deposited in the respective banks. For which, the petitioner participated in the enquiry and thereafter, the school management dismissed the petitioner from service vide the impugned order. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. However, when the writ petition is taken up for hearing today, the learned counsel appearing for the petitioner, would submit that pursuant to the order passed by this Court, dated 25.07.2022, the petitioner has made a representation to the third respondent management to modify the punishment of dismissal from service into compulsory retirement, on 09.09.2022 and therefore, it would suffice, if the third respondent is directed to dispose of the representation of the petitioner, dated 09.09.2022, on merits and in accordance with law, within a specified period.



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4. The learned counsel appearing for the third respondent, has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without interfering with the order impugned in this writ petition, directs the third respondent to consider the petitioner's representation, dated 09.09.2022 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

6. This Writ Petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

09.02.2023

PM

NCS:Yes/No

Index:Yes/No

Internet:Yes/No



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M.DHANDAPANI, J.

pm

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