



W.P.(MD)No.8465 of 2018

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.8465 of 2018**

**and**

**W.M.P.(MD).Nos.7984 and 7985 of 2018**

Sri Ramakrishna Chidambareswarar  
Higher Secondary School,  
represented by its Secretary,  
Swami Bakthanandha,  
Chidambareswar Nagar,  
Chettiyapathu Village,  
Udankudi,  
Tuticorin District.

... Petitioner

**Vs.**

1.The Joint Director of School Education,  
(Higher Secondary),  
Chennai -6.

2.The District Education Officer,  
Tuticorin.

3.K.Narashimman

4.I.Balakrishnan

... Respondents



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**PRAYER** : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records related to the impugned order of the second respondent in Na.Ka.PC/2016, dated 08.09.2016 and quash the same.

|                |   |                            |
|----------------|---|----------------------------|
| For Petitioner | : | Mr.H.Arumugam              |
| For R1 & R2    | : | Mr.S.Saji Bino             |
|                |   | Special Government Pleader |

### **ORDER**

This writ petition has been filed challenging the impugned order passed by the second respondent dated 08.09.2016 and to quash the same.

2. The case of the petitioner is that the fourth respondent is working as P.G. Teacher in the petitioner School. While so, a charge memo has been issued against him on 11.02.2014. After conducting enquiry, a punishment of stoppage of three increments with cumulative effect was imposed, by order dated 21.09.2014 and thereafter the same was forwarded to the second respondent for approval. However, in the mean while, the



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second respondent has passed the impugned order on 08.09.2016, to settle the benefits in favour of the fourth respondent, on the ground that prior approval was not obtained and also no enquiry was conducted in a proper manner. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner School would submit that admittedly the petitioner has conducted an enquiry as against the fourth respondent and imposed the punishment of stoppage of three increments with cumulative effect on 21.09.2014 and thereafter the same was forwarded for approval of the second respondent on 08.10.2014. However, without passing any order in the approval petition, the second respondent mechanically passed the impugned order on 08.09.2016. Hence, this Court may issue a direction to the second respondent to conduct an enquiry with regard to the approval petition forwarded by the petitioner School on 08.10.2014 and pass orders, after providing opportunity to the fourth respondent, within a reasonable time as fixed by this Court.





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**M.DHANDAPANI,J.**

akv

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