



W.P.(MD).No.20943 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20943 of 2022

G.Sakthivel

... Petitioner

Vs.

1. The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.
2. The District Educational Officer,
Mandabam,
At Ramanathapuram,
Ramanathapuram District.
3. Mr.Balathandayuthapani
The District Educational Officer,
Mandabam,
At Ramanathapuram,
Ramanathapuram District.

Presently:
The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.



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4. The Head Master,
Government High School,
Vallinokkam – 623 528,
Ramanathapuram District.

5. K.Jeevarani
The Head Mistress
Government High School,
Vallinokkam – 623 528,
Kadaladi,
Ramanathapuram District.

Presently:
Government Girls High School,
Thiyagarayar Nagar,
Chennai – PIN- 600017.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner representation, dated 05.09.2019 and further direct the first respondent to take action against the respondents 3 and 5 who prevented the petitioner from signing in the school attendance Register.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.V.Om Prakash
Government Advocate
for R1, R2 and R4

: No appearance – R3 and R5



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ORDER

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The present writ petition has been filed by a B.T.Assistant Teacher seeking a direction to the educational authorities to initiate action as against the Headmaster in-charge and another teacher of the said school based upon his representation, dated 05.09.2019.

2. It could be seen from the representation that the Headmaster and another teacher of the said school have prevented the writ petitioner from attending the duty on 03.10.2019, without any legally acceptable reason.

3. According to the writ petitioner, he has addressed various communications to the educational authorities to permit him to attend duty. On 15.09.2020, a Charge Memo was issued to the writ petitioner alleging that he has not attended duty from 03.10.2019 onwards.

4. It is an admitted fact on either side that an enquiry is still pending. Therefore, as per the representation, dated 05.09.2019, it is clear that the Headmaster and the another teacher have prevented the writ petitioner from



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signing the attendance register only under the instructions of the District Educational Officer. Therefore, the question of initiating any action as against the Headmaster and another teacher would not arise at this point of time.

5. In the end of disciplinary proceedings initiated as against the writ petitioner, if the authorities arrive at a finding that the petitioner was illegally prevented from attending duty by the said concerned Teachers at the relevant point of time, he can initiate appropriate action as against the Headmaster and the another teacher.

6. It is also brought to the notice of this Court that the petitioner has not been permitted to attend duty on 03.10.2019 without any suspension order issued to the petitioner and kept out of service orally. This cannot be appreciated. The authorities are directed to permit the petitioner to attend duty from **11.12.2023** onwards. However, the authorities are at liberty to proceed in accordance with law.



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7. with the above said observation, this Writ Petition stands closed.

There shall be no order as to costs.

08.12.2023

NCC : Yes/No

Index : Yes / No

Internet : Yes / No

ebsi

Note: Issue order copy on 11.12.2023

To

1. The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.
2. The District Educational Officer,
Mandabam,
At Ramanathapuram,
Ramanathapuram District.



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R.VIJAYAKUMAR,J.

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