



W.P(MD)No.1345 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1345 of 2016
WMP(MD) Nos.1126 & 1127 of 2016

The Headmaster,
St.Lawrence Higher Secondary School,
Madathattuvilai,
Villukuri Post – 629 180
Kanyakumari District.

... Petitioner

Vs

- 1.The State Information Commissioner,
The Tamil Nadu Information Commission,
No.2, Theagaraya Salai,
Near Aalai Amman Koil,
Teynampet, Chennai-18.
- 2.The Joint Director of School Education,
(Hr.Sec) College Road, Chennai-600 006.
- 3.The District Educational Officer,
Thuckalay – 629 175.
- 4.S.Swamidhas

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for



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the records relating to the impugned proceedings issued by the first respondent Commissioner in Cases Nos. 30909/ enquiry/C/2013, 30910/enquiry/C/2013, 30914/enquiry/C/2013, 30208/enquiry/C/2013,30209/enquiry/C/2013,30210/enquiry/C/2013,30211/enquiry/C/2013, 30212/enquiry/C/2013, and 30213/enquiry/C/2013 dated 18.06.2014 and the consequential proceedings in the above cases Numbers dated 04.11.2015 and 06.01.2016 and quash the same.

For Petitioner	: Mr.K.Ragatheesh Kumar
For R1	: Mr.K.K.Senthil
For R2 & R3	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R4	: Mr.D.Srinivasa Raghavan

ORDER

This writ petition is filed as against the order passed by the State Information Commissioner/the first respondent herein directing the petitioner and the District Educational Officer, Thuckalay/the third respondent herein to appear for an enquiry in pursuant to the complaint given by the fourth respondent herein, who has worked in the petitioner's Institution as a PG Assistant.



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2.The case of the petitioner is that the fourth respondent has worked as a PG Assistant – History in the petitioner's School. During his tenure, disciplinary proceedings has been initiated as against the fourth respondent that he has acted with an intention of threatening the petitioner's School Management, thereby he was imposed with a punishment of reducing his rank as BT Assistant. Subsequently, the fourth respondent has availed medical leave from 05.08.2004 to 14.03.2005. The fourth respondent, instead of joining duty on 15.03.2005, he joined duty on 31.03.2005. Hence, salary for the period from 15.03.2005 to 30.03.2005 was not sanctioned to the fourth respondent. The fourth respondent retired from service on 31.03.2008 and he was allowed to continue till the end of the academic year i.e till 31.05.2008 on re-employment basis. After nine years of his retirement, the fifth respondent has submitted various applications under the Right to Information Act, 2005 seeking an information with regard to the leave availed by him in the year 2005 and the fifth respondent claims that he has attended duty for the relevant period. A common reply has been sent to the fifth



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respondent by the petitioner School on 01.02.2013. The first respondent /Information Commissioner has passed the impugned orders directing the District Educational Officer to take disciplinary action as against the petitioner, based on the complaint preferred by the fourth respondent and the same is under challenge in this writ petition.

3.The learned counsel appearing for the petitioner submits that in order to harass the petitioner and the petitioner's School Management, the fifth respondent is indulging in such activities after his retirement from service.

4.The learned counsel for the fourth respondent submits that the fourth respondent has sought for the details recognizing that he has attended the school at the relevant period from 15.03.2005 to 30.03.2005.



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5.Though the learned counsel for the petitioner disputed the same, now the petitioner has accepted to recognise the period from 15.03.2005 to 30.03.2005 as the fourth respondent served in the petitioner's School.

6.In view of the above, this writ petition is disposed of with a direction to the petitioner's School to regularize/recognize the period from 15.03.2005 to 30.03.2005 as the fourth respondent attended the School. Accordingly, the impugned orders are hereby set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

11.10.2023

NCC: Yes/No
Index: Yes/No
Internet: Yes
vrn



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(2/2)