



W.P(MD)No.6414 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.6414 of 2016

The Hindu Middle School,
Subbanoor,
Represented by its Agency and Secretary,
Mr.T.Selvaraj

...Petitioner

Vs.

- 1.The Director,
Tamil Nadu Elementary Education Department,
College Road, Chennai – 600 006.
- 2.The District Elementary Educational Officer,
Tirunelveli District.
Tirunelveli – 1.
- 3.The Assistant Elementary Educational Officer,
Keezhapavoor Range,
Pavoor Chathiram,
Tenkasi Taluk, Tirunelveli District.
- 4.The Sub-Inspector of Police,
Pavoorchatiram Police Station,
Tirunelveli District.
- 5.C.Sundaravelraj

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.2 and 3 to dispose of the enquiry pending before him in his proceedings in Na.Ka.No.1351/A1/2016, dated 29.01.2016 against the Hindu Middle School, Subbanoor, Tenkasi Taluk, Tirunelveli District within the time stipulated by this Court.

For Petitioner	: Mr.R.Aravind Raj
For R1 to R3	: Mr.J.K.Jeyaselvam Government Advocate
For R4	: Mr.M.Vaikkam Karunanithi Government Advocate

ORDER

This Writ Petition is filed, directing the second and third respondents to dispose of the enquiry contemplated as against the petitioner in Na.Ka.No.1351/A1/2016, dated 29.01.2016.

2.The learned counsel appearing for the petitioner submits that he is the Educational Agency cum Secretary of the Education Committee in Hindu Middle School, Subbanoor, Tenkasi Taluk. The fifth respondent herein, who is the son of petitioner's elder sister one T.Chandrakandtham was appointed as Secondary



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Grade Teacher in the above School, on 03.09.1997. Subsequently, based on the complaints received as against the fifth respondent, he was transferred from the petitioner's School to K.C.Middle School, Vengadampati, Kadayam Range. Aggrieved over the same, the fifth respondent has lodged a complaint as against this petitioner and the first respondent has also issued notice to this petitioner in the year 2015. According to the petitioner, on 02.01.2016, the School was break open and some records have been taken away by the fifth respondent. Hence, the petitioner has lodged a complaint before the fourth respondent police on 02.01.2016, which was registered in Crime No.5 of 2016 on the file of the Pavoorchatram Police Station on the same day as against the fifth respondent, for the offences punishable under Sections 457, 380 IPC. Thereafter, the impugned show cause notice, dated 29.01.2016 has been issued to the petitioner, seeking explanation within seven days. Challenging the same, the petitioner has filed this present writ petition for early disposal of the enquiry, which has been contemplated in Na.Ka.No. 1351/A1/2016, dated 29.01.2016.



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3.The learned Government Advocate appearing for the respondents 1 to 3 submits that though he has instructed the Officer concerned about the listing of this writ petition on 22.02.2023, the Department has not furnished any instructions to him.

4.The learned Government Advocate (Criminal Side) appearing for the fourth respondent submits that based on the complaint given by this petitioner as against the fifth respondent on 02.01.2016, enquiry was conducted and the case was closed as mistake of fact.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.It appears that there is a dispute among the family members of the petitioner and the fifth respondent with regard to the administration of the petitioner's School. The petitioner has filed this writ petition challenging the show cause notice issued by the third



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respondent in Na.Ka.No.1351/A1/2016, dated 29.01.2016.

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Considering the fact that the writ petition was filed at the premature stage, challenging the show cause notice and the writ petitioner had to offer an explanation for the show cause notice, this Court is inclined to dispose of this writ petition with a direction to the third respondent to conclude the enquiry within a period of eight weeks from the date of receipt of a copy of this order by considering the explanation, if any, offered by this petitioner.

7. With the above direction, this Writ Petition is disposed of. No Costs.

24.02.2023

Index: Yes
Internet: Yes
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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.6414 of 2016

24.02.2023