



W.P(MD)No.25353 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25353 of 2022

and

W.M.P.(MD)No.19438 of 2022

J.Tamilrajan

... Petitioner

Vs.

- 1.The Director of School Education,
College Road,
Chennai 600006.
- 2.The Joint Director of School,
College Road,
Chennai 600 006.
- 3.The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.
- 4.The District Educational Officer,
Thoothukudi,
Thoothukudi District.
- 5.The Secretary,
Karapettai Nadar Higher Secondary School,
Thoothukudi,
Thoothukudi District 628 001.
- 6.The Headmaster,
Karapettai Nadar Higher Secondary School,
Thoothukudi,



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Thoothukudi District 628 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned charge memo issued by the fifth respondent herein in his proceedings dated 21.10.2022 and to quash the same as illegal and further directing the respondents 3 & 4 herein to pass appropriate orders by accepting the petitioner voluntary retirement from service of B.T.Assistant Selection Grade Teacher in the 5th respondent School and release the petitioner's retirement benefits including commuted value of pension, Gratuity, EPF, Surrender leave salary and all other monetary benefits etc., within time stipulated by this Court.

For Petitioner : Mr.V.Meenakshisundaram

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader for R1 to R4
: Mr.Isaac Mohanlal
Senior Counsel
for M/s.Isaac Chambers for R5
: No appearance for R6

ORDER

The petitioner questions the impugned charge memo dated 21.10.2022 issued by the fifth respondent herein. The petitioner's counsel reiterated all the contentions set out in the affidavit filed in support of the writ petition and



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called upon this Court to quash the impugned charge memo and grant relief as prayed for.

2. The fifth respondent has filed a detailed counter affidavit and the learned Senior Counsel appearing for the management took me through its contents and pressed for dismissal of the writ petition.

3. The learned Additional Government Pleader submitted that the stand of the department has been made clear and that therefore this Court can pass an appropriate order on that basis.

4. I carefully considered the rival contentions and went through the materials on record.

5. The writ petitioner J.Tamil Rajan joined the fifth respondent school as secondary grade teacher in 1989. He became B.T.Assistant in the year 2010. He was holding the post of selection grade B.T. Assistant. He had completed 33 years of service. He claims to have submitted application for voluntary retirement on 20.04.2022 through proper channel. He claims to have indicated his date of retirement as 19.07.2022. It is further claimed that the school committee accepted his request and also relieved him from service. His contention is that the management lacked the jurisdiction to issue the impugned charge memo thereafter.

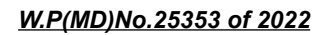


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6. The management contests the version projected by the petitioner.

According to them, since a new committee had taken over the administration of the school and the petitioner did not want to serve the new team, he created records as if he submitted a request for voluntary retirement on 20.04.2022. Since the petitioner's tampering of record has been discovered, the management decided to take disciplinary action. Pursuant to the said decision, the impugned charge memo came to be issued.

7. I need not consider which version is right. The petitioner had earlier filed W.P.(MD)No.20685 of 2022 and this Court vide order dated 01.09.2022 had directed the competent authority to pass order on his representation for acceptance of his voluntary retirement and disbursement of retirement benefits. Pursuant to the said direction, the Chief Educational Officer, Thoothukudi issued proceedings bearing Moo.Moo.No.4664/Aa4/2022, dated 04.02.2023 granting approval accepting the petitioner's request to go on voluntary retirement. The management was directed to issue relieving order within seven days. This proceeding was served on the management on 06.02.2023. Till date ie., 21.03.2023, there has been no challenge to the aforesaid order. The learned Additional Government Pleader, on instructions, clarified that the petitioner's papers were received by the department on 05.07.2022 itself. It is true that election for the society took place subsequently and the new committee took



9. The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

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To

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