



W.P.(MD)No.28443 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28443 of 2022
W.M.P(MD).No.22459 of 2022

S.Shanmugam

... Petitioner

Vs.

1.The Joint Director,
Commissionerate of School Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai.

2.The Chief Educational Officer,
Dindigul,
Dindigul District.

3.The District Educational Officer,
Vedanchandur Educational District,
Dindigul District.

4.The Head Master,
Marampadi Government Higher Secondary School,
Dindigul.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings in Na.Ka.No.73413/C1/E1/2022 dated 30.11.2022 on the file of the first respondent and quash the same as illegal and consequently, directing the respondents to allow the petitioner to continue his service as Head Master and extend his service in the fourth respondent School.

For Petitioner : Mr.V.Sebastinal Preethi

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records pertaining to the proceedings in Na.Ka.No.73413/C1/E1/2022, dated 30.11.2022, issued by the first respondent, quash the same as illegal and consequently, direct the respondents to allow the petitioner to continue his service as Head Master and extend his service in the fourth respondent School.



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2. The case of the petitioner is that the petitioner was serving as Headmaster in the fourth respondent School for 22 years and he reached the age of superannuation on 30.06.2022. He has sought for re-employment in the same school till the end of academic year. Therefore, the second respondent has forwarded the proposal to the first respondent for re-employing him, based on the proposal of the fourth respondent School. The first respondent, vide proceedings dated 01.07.2022, has re-employed him in the same post as Head Master in the fourth respondent School. While so, on 14.11.2022, the respondents 2 and 3 have conducted inspection in the fourth respondent School and they have not satisfied with the service of the petitioner on the benefit of the school teachers and future welfare of the students. Hence, the second respondent has forwarded the proposal to the first respondent to relieve the petitioner from service. Thereafter, the first respondent, vide the impugned proceedings dated 30.11.2022, has relieved the petitioner from service. Challenging the same, the present impugned order has been passed.



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3. The learned counsel appearing for the petitioner would submit that the petitioner has rendered 34 years of service to the benefit of the students and appreciating the past service rendered by the petitioner, he was given re-employment vide proceedings dated 01.07.2022. However, the re-employment was cancelled vide the impugned proceedings dated 30.11.2022 by the first respondent, without assigning any sufficient reason. Hence, he prays for allowing the present writ petition.

4. The learned Additional Government Pleader appearing for the respondents would submit that on 14.11.2022, the respondents 2 and 3 have conducted inspection in the fourth respondent School and during the time of inspection, they have found that the writ petitioner was acting against the welfare of the Institution and students, and against the condition imposed in the re-employment order issued to him. Hence, the second respondent submitted a report to the first respondent to relieve the writ petitioner from service. Pursuant to the same, the first respondent herein, vide the impugned proceedings dated 30.11.2022, has relieved the



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writ petitioner from service, stating that the writ petitioner has violated the condition imposed vide proceedings dated 01.07.2022 issued by the first respondent.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was working as Head Master in the fourth respondent School and he attained the age of superannuation on 30.06.2022. He sought for re-employment in the same school till the end of the academic year to the fourth respondent School. Based on the proposal of the fourth respondent School, the 2nd respondent has forwarded the proposal to the first respondent for re-employing the petitioner. Thereafter, the first respondent, vide proceedings dated 01.07.2022, has re-employed the petitioner from 01.07.2022 to 31.05.2022 (i.e.,) till the end of academic year. While so, on 14.11.2022, the respondents 2 and 3 have conducted inspection in the fourth respondent School and during the time of



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inspection, they have found that the petitioner was acting against the condition imposed in the re-employment order issued by the second respondent and was frequently taking the leave in every month. Hence, the re-employment order granted in favour of the petitioner was cancelled vide the impugned proceedings dated 30.11.2022. The re-employment granted in favour of the petitioner is for the benefit of the students. However, he was frequently taking the leave in every month. Hence, this Court is not inclined to interfere with the impugned order issued by the first respondent.

7. Accordingly, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.

02.02.2023

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



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M.DHANDAPANI,J.

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