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W.A.No.3065 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.3065 of 2024 and

C.M.P.No.23156 of 2024

P.Gandhimathi

... Appellant/Petitioner

-VS-

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
2. The District Elementary Educational Officer,
Erode District, Erode.
3. The Additional Assistant Elementary Educational Officer,
Kodumudi, Erode District.
4. The Secretary,
Kalaimagal Kalvi Nilayam,
Panapalayam,
Thamaraipalayam Post,
Unjalur (via), Erode Taluk,
Erode District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the orders passed by the Hon'ble Court made in W.P.No.11950 of 2017 dated 24.11.2022.



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For Appellant : Mr.G.Sankaran, Senior Counsel
For Mr.J.Jayamalan

For R1 to R3 : Mr.U.M.Ravichandran
Spl. Govt. Pleader

J U D G M E N T

(By D.KRISHNAKUMAR,J.)

This Writ Appeal has been filed, challenging the order dated 24.11.2022 made in W.P.No.11950 of 2017, in and by which, learned Single Judge closed the Writ Petition for the reason that the Writ Petitioner had already been dismissed from service and that the said punishment was approved by the Education Department.

2. Mr.U.M.Ravichandran, learned Special Government Pleader takes notice for R1 to R3. Notice to R4 is dispensed with, as no adverse order is going to be passed against R4. By consent, the Writ Petition itself is taken up for final disposal at the admission stage.

3. When the matter is taken up for hearing, learned Special Government Pleader appearing for R1 to R3 produced a copy of the judgment dated 24.09.2024 passed by this Court in W.A.No.2857 of 2024, wherein in Clause (iii) of Paragraph No.6, it is stated as follows:



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“(iii) In case the second respondent had already approved the final order passed by the school management, then it is for the appellant to file an appeal before the appellate authority.”

Thus, he vehemently argued that since the order of punishment had already been approved by the 2nd respondent herein, there is no question of adjudication further on the same issue and therefore, there is no infirmity in the order passed by the learned Single Judge, as it is for the appellant to work out her remedy before the Appellate Authority, as rightly observed by the Division Bench vide its judgment dated 24.09.2024.

4. Learned Special Government Pleader reiterated across the bar that the order of punishment had already been approved by the 2nd respondent herein, which is refuted by the learned Senior Counsel for the petitioner. Moreover, there is no material adduced on the side of the respondents to establish the grant of approval, except referring to the order of learned Single Judge. In such view of the matter, the appellant shall submit her objections against the final order passed by the school management to the second respondent within two weeks from the date of receipt of a copy of this judgment and upon considering the said objections submitted by the appellant, the second respondent shall pass appropriate orders thereon within four weeks thereafter, if necessary, after affording an opportunity of hearing to the appellant. It is needless to



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AND

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mention here that in case the second respondent had already approved the final order passed by the school management, then it is for the appellant to file an appeal before the appellate authority to sort out her grievances.

5. With the above observations and directions, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K,J.]

[P.B.B,J.]

18.10.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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To:

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
2. The District Elementary Educational Officer,
Erode District, Erode.
3. The Additional Assistant Elementary Educational Officer,
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