



W.A.No.2857 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

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P. Gandhimathi

.. Appellant

Vs

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

5. S.Chandrasekaran

.. Respondents

Prayer : Appeal under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.18278 of 2016, dated 24.11.2022.



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For the Appellant : Mr.G.Sankaran
Senior Counsel
for M/s.S.Nedunchezhiyan

For the Respondents : Mr.U.M.Ravichandran
Special Government Pleader
for respondents 1 to 3

: Mr.K.Karthikeyan
for 4th respondent

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

Questioning the legality of the order dated 24.11.2022 passed by the learned Single Judge in W.P.No.18278 of 2016, the unsuccessful writ petitioner has filed the present appeal.

2. Cut to the chase, the facts germane are that the appellant filed the writ petition assailing the charge memo dated 3.5.2016. Taking note of the fact that the enquiry proceedings were concluded and the disciplinary authority imposed the penalty of dismissal from service on the appellant, which was subsequently approved by the competent authority, the writ petition was closed under the order impugned in this appeal.



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3. Learned Senior Counsel appearing on behalf of the appellant submitted that the order passed by the learned Single Judge is not legally sustainable owing to the fact that the appellant had in all filed four writ petitions and all these cases were listed on 24.11.2022, but the learned Single Judge without adverting to the facts and legal issues raised in each of the writ petitions, has merely recorded that disciplinary authority imposed penalty of dismissal from service and the same was approved by the competent authority and closed the instant writ petition.

4. Learned Senior Counsel for the appellant further submitted that despite the subsistence of an interim order dated 19.5.2016 passed in W.M.P.No.15990 of 2016 in W.P.No.18278 of 2016 [*the instant writ petition*], enjoining the respondent authorities from passing final orders pursuant to the charge memo dated 3.5.2016, the school management has passed final orders and forwarded it to the second respondent and the said act of the respondent authorities cannot be countenanced. He hastened to add that the



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final order passed by the school management is pending approval before the second respondent.

5. Refuting the aforesaid submission, learned counsel for the fourth respondent submitted that inasmuch as the final order is passed by the school management, the appellant has to challenge the same, if she is so aggrieved, and the order passed by the writ court in a challenge to the charge memo warrants no interference.

6. As it is the specific case of learned Senior Counsel for the appellant that the approval of the second respondent is yet to be granted to the final order passed by the school management and as both sides are consenting for passing an order to afford an opportunity to the appellant to put forth her objections before the second respondent if approval is not yet granted by the second respondent, without expressing any opinion on the sustainability of the order passed by the learned Single Judge, we dispose of the writ appeal with the following directions:

(i) The appellant shall submit her objections against



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final order passed by the school management to the second respondent within two weeks from the date of receipt of a copy of this order;

(ii) On consideration of the said objections submitted by the appellant, the second respondent shall pass appropriate orders betimes, preferably within four weeks, if necessary, after affording an opportunity to the appellant; and

(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.

There shall be no order as to costs. Consequently, C.M.P.No.21001 of 2024 is closed.

(D.K.K., ACJ.) (M.J.R., J.)
24.09.2024

Index : Yes/No
NC : Yes/No
sasi



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AND
M.JOTHIRAMAN,J.

(sasi)

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