



W.P.No.6447 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6447 of 2024

M.Arul Raja Rathinam

.... Petitioner

Vs

1. The Joint Director,
O/o. The Joint Director (Aided Schools)
DPI Campus,
College Road,
Nungambakkam,
Chennai – 600 006.

2. The District Elementary,
Educational Officer,
Cherry Road,
Salem,
Salem District.

3. The Additional Assistant Elementary
Educational Officer,
Omalur Range, Omalur,
Salem District.

4. The Correspondent,
St.Nicholas Middle School,
R.C.Chetty Patty PO,
Omalur, Salem District.

.... Respondents



W.P.No.6447 of 2024

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari to call for the records in respect of the impugned order in Na.Ka.No.2296/H-2/2023 dated 08.01.2024 dismissing his appeal and quash the same.

For Petitioner : Mr.G.Mohana Krishnan

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 08.01.2024, thereby dismissing the appeal filed by the petitioner.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined as a Secondary Grade Teacher at St.Paul's Primary School, Salem. Thereafter, he was transferred to Sirumalar Aided Elementary School at Salem. Finally, he had worked in Government Aided Elementary School, R.C.Poomanur, Kolathur Range, Mettur Taluk, Salem District and he retired from service on 31.01.2011. While, he was working in the fourth respondent School, he was issued with a charge memo



W.P.No.6447 of 2024

dated 12.04.2000. The petitioner submitted his explanation and he was permitted to report to duty. However, the said direction was not complied with and as such, the petitioner approached this Court in W.P.No.18492 of 2000.

4. As per the interim order, the petitioner was permitted to join duty on 23.11.2000. In order to claim arrears of salary, the petitioner submitted a representation and also approached this Court. Though the Single Judge of this Court dismissed the writ petition and the Hon'ble Division bench of this Court directed the Management to comply with the order passed by the first respondent within a period of eight weeks. It was not considered and the petitioner was constrained to file a contempt petition before this Court in Cont.P.No.851 of 2014. Thereafter, the petitioner was permitted to join and in between period of leave was regularized and deposited a sum of Rs.53,165/- in the account of the petitioner. Further, it is stated that the petitioner had suffered punishment of postponement of three increments with cumulative effect, higher pay cannot be granted.

5. Therefore, the petitioner, once again, submitted a representation and the same was not considered. Therefore, the petitioner filed a writ petition



W.P.No.6447 of 2024

before this Court in W.P.No.27579 of 2023 for a direction directing the first respondent to consider the representation submitted by him. However, it was now rejected by the present impugned order. Though the petitioner raised various grounds, the petitioner was not given an opportunity of hearing and as such, it is a clear violation of the principles of natural justice.

6. The learned Special Government Pleader appearing for the respondents submitted that the petitioner will be given an opportunity of hearing by the Appellate Authority and prayed for remanding the matter back to the first respondent.

7. In view of the above, on the very limited ground, the impugned order cannot be sustained and it is liable to be quashed. Accordingly, the impugned order in Na.Ka.No.2296/H-2/2023 passed by the first respondent dated 08.01.2024, is hereby quashed. The first respondent is directed to consider the representation submitted by the petitioner, give an opportunity of hearing and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



W.P.No.6447 of 2024

8. With the above direction, this Writ Petition stands allowed. No

costs.

13.03.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Lpp

To

1. The Joint Director,
O/o. The Joint Director (Aided Schools)
DPI Campus,
College Road,
Nungambakkam,
Chennai – 600 006.

2. The District Elementary,
Educational Officer,
Cherry Road,
Salem,
Salem District.

3. The Additional Assistant Elementary
Educational Officer,
Omalur Range, Omalur,
Salem District.

4. The Correspondent,
St.Nicholas Middle School,
R.C.Chetty Patty PO,
Omalur, Salem District.



WEB COPY



W.P.No.6447 of 2024

G.K.ILANTHIRAIYAN. J,

Lpp

W.P.No.6447 of 2024

13.03.2024