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W.A.No.3210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

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

W.A.No.3210 of 2024 and

C.M.P.No.24873 of 2024

S.Seemon Arulraj

... Appellant/Petitioner/Petitioner

-VS-

1. The Director of Elementary School Education,
DPI Campus,
Chennai-600 006.

2. The District Educational Officer,
Hosur Educational District,
Krishnagiri District.

3. The Block Educational Officer,
Shoolagiri Block,
Krishnagiri District.

... Respondents/Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 08.08.2024 passed in W.M.P.No.21339 of 2024 in W.P.No.8924 of 2024.

For Appellant : Mr.A.Immanuel

For Respondents : Mr.J.C.Durairaj
Addl. Govt. Pleader



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J U D G M E N T

(By D.KRISHNAKUMAR,J.,)

This Writ Appeal has been filed, challenging the order dated 08.08.2024 passed in W.M.P.No.21339 of 2024 in W.P.No.8924 of 2024.

2. The Writ Petitioner / appellant had challenged the order passed by the DEO dated 15.03.2024, asking the Writ Petitioner / Appellant asking the Writ Petitioner to resign from the secretaryship of Church, failing which, based on the documents and based on the enquiry report, final decision would be taken by the Educational authorities. Subsequently, after dismissal of the Writ Petition on 01.04.2024, a final order has been passed by the DEO on 24.04.2024 as against the Writ Petitioner and based on the said order, he was removed from service and it is informed that aggrieved by the removal, the Writ Petition has preferred appeal before the appellate authority.

The operation portion of the order dated 01.04.2024 reads as under:

“ 6. In that view of the matter, the learned Special Government Pleader was requested to take instructions from the respondents and the matter was passed over. When the matter is called in the afternoon, the learned Special Government Pleader would submit that if the petitioner tenders his resignation and submits the proof in respect thereof, the same would be accepted and the matter would be closed.

7. In that view of the matter, now the learned Senior Counsel appearing for the petitioner would submit that within 7 days from today



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the petitioner will tender his resignation and submit proof before the respondents.”

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3. While so, a Recall Petition in WMP No.21339 of 2024 has been filed by the Writ Petitioner, in which, he had made allegations as against the Senior Counsel, pursuant to which, learned Single Judge directed to serve notice on the counsel. Subsequently, the original counsel on record M/s.Suneetha appeared and stated that after getting instructions from the petitioner, such an undertaking was given. Hence, learned Single Judge rejected the recall petition.

4. It is seen that as per the undertaking, the Writ Petition had not resigned from the post and he was subsequently, removed from service. Aggrieved by such removal, he has also preferred appeal before the Appellate Authority / Director. In our view, we find no reason to interfere with the order of the learned Single Judge and therefore, the Writ Appeal is liable to be dismissed with costs.

5. Accordingly, this Writ Appeal is dismissed with costs of Rs.20,000/- payable by the Writ Petitioner to the Tamil Nadu Legal Services Authority, Chennai within a period of two weeks from the date of receipt of a copy of this judgment.



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AND

P.B.BALAJI,J.,

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6. At this juncture, learned counsel for the Writ Petitioner seeks speedy disposal of the appeal pending before the Director, for which, learned Additional Government Pleader replied that the appeal will be completed at the earliest point of time. Consequently, connected Miscellaneous Petition is closed.

[D.K.K,J.] [P.B.B,J.]

08.11.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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To:

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