



W.P.No.38699



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.38699 of 2024

and

W.M.P.No.41893 of 2024

Mr.J.Swaminathan

... Petitioner

Vs.

1. The Director of Elementary Education,
DPI Campus, College Road, Chennai – 600 006.
2. The Joint Director of Elementary Education (Aided),
Directorate of Elementary Education,
DPI Campus, College Road, Chennai – 600 006.
3. The District Educational Officer (Elementary Education),
Thiruvarur District, Thiruvarur.
4. The Zonal Educational Officer (Elementary Education),
Nannilam Taluk, Thiruvarur District.

5. Tmt. P.Bharathi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to dispose of the appeal dated 07.05.2024, in the third respondent proceedings Na.Ka.No.199/A4/2024, dated 06.06.2024, filed by the petitioner and dispose of the same.

For Petitioner

: Mr.K.M.Vivekanandan



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For Respondents : Mr.K.H.Ravikumar,
Government Advocate

ORDER

The short grievance of the petitioner in this writ petition is in connection with the non-consideration of the statutory appeal filed by the petitioner, as early as on 07.05.2024 against the order of punishment passed by the Respondent No.5 through proceedings dated 06.04.2024, imposing the punishment of "*stoppage of increments for a period of two years with cumulative effect*" on the petitioner.

2. The Tamil Nadu Recognized Private School (Regulations) Act, 1973 read with the Tamil Nadu Recognized Private School (Regulations) Rules, 1974 provides for a statutory remedy of appeal against the orders passed by the Respondent No.5 and in terms of the provisions of the said Act, 1973, the petitioner appears to have filed an appeal before the Respondent No.3 as early as on 07.05.2024 and a copy of the said appeal is also placed before this court.

3. Further, it is also brought to the notice of this court that the Respondent No.3, having considered the appeal filed by the petitioner, also through proceedings bearing ந.க.எண்.199/ஆ4/2024, dated 06.06.2024, called the



petitioner as well as the Respondent No.4 and conducted an enquiry, but failed to pass any orders thereon. As the said appeal is pending since 07.05.2024, the Respondent No.3 is under statutory obligation to dispose of the said appeal, as expeditiously as possible.

4. Mr.K.H.Ravikumar, learned Government Advocate appearing for the Respondent No.3 also fairly submitted that appropriate orders may be passed directing for disposal of the said appeal dated 07.05.2024 filed by the petitioner.

5. In view of the same, the writ petition is disposed of directing the Respondent No.3 to dispose of the said appeal dated 07.05.2024 filed by the petitioner against the order passed by the Respondent No.5 through proceedings dated 06.04.2024, as expeditiously as possible, at any rate within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity to the petitioner as well as the Respondent No.5, if not already given, and pass appropriate orders thereon. No costs. Connected miscellaneous petitions, if any, shall stand closed.

20.12.2024

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

MUMMINENI SUDHEER KUMAR, J.

skr

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