



W.A.(MD)No.1162 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.(MD)No.1162 of 2024

and

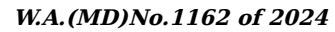
C.M.P.(MD)No.8966 of 2024

Annai Indira Gandhi Memorial
Higher Secondary School,
Rep. by its Manager and Correspondent,
Muthukala,
N.Kattupattu P.O.,
Ramjinagar,
Trichy – 620 009.

: Appellant

Vs.

- 1.Marudhairaj
- 2.The Secretary,
School Education Department,
Secretariat,
Chennai – 9.
- 3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Palakkarai,
Trichy.



: Respondents

For Appellant : Mr.B.Jameel Arasu
For Respondents 2 to 4 : Mr.S.Shaji Bino
Special Government Pleader

[Judgment of the Court was delivered by **R.SURESH KUMAR, J.**]

This Writ Appeal has been directed against the order passed by the Writ Court dated 30.04.2024, made in W.P.(MD)No. 10732 of 2024.

2. The first respondent / writ petitioner was working as a Teacher at the appellant school. After working for long years, he attained superannuation on 30.06.2023 and he had to retire peacefully. Since there has been no disciplinary proceedings



W.A.(MD)No.1162 of 2024

whatever that was initiated earlier pending against him, there could have been no impediment for him to get a peaceful superannuation.

3.When that being so, it seems that the Correspondent of the appellant institution had scolded the first respondent teacher and other teachers and it is the allegation of the teacher that he had gone to the extent of trying to assault the teacher. This was the complaint the teacher ie., the first respondent made against the Correspondent of the appellant school where an FIR has been registered in Cr.No.5 of 2018 on 09.02.2018 before the Ramji Nagar Police Station.

4.After having registered the FIR, the appellant seems to have filed a CRL.OP.(MD)No.17972 of 2018, seeking quashment of the said FIR which was also dismissed by this Court by order dated 21.11.2019.

5.This was the scenario taken place between the first respondent teacher and his employer ie., appellant school.

6.When that was the position, when the superannuation time comes to the first respondent on 30.06.2023, suddenly, he was



W.A.(MD)No.1162 of 2024

not permitted to retire by proceedings of the appellant institution and the proceedings to that effect had been issued on 08.03.2023 by the school stating that there has been a disciplinary proceedings contemplated against him. Therefore, show cause notice had been issued.

7.Only at the juncture, the first respondent had approached the Writ Court by filing the said writ petition seeking for a writ of Mandamus for a direction from the court to the appellant who stood as the first respondent ie., management of the institution to consider his representation dated 03.07.2023 and to issue appropriate order to the second and third respondents to permit the petitioner to retire from service as B.T.Assistant [Mathematics] from the fourth respondent institution on superannuation ie., on 30.06.2023.

8.The said writ petition was heard and disposed of by the impugned order of the Writ Court dated 30.04.2024, where having taken note of the factual matrix, learned Judge allowed the writ petition by giving a Mandamus by issuing direction to the school management to permit the petitioner to retire from service within a time frame.



W.A.(MD)No.1162 of 2024

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9.Aggrieved over the said order, the present appeal has been directed at the instance of the appellant institution.

10.Heard the learned Counsel on either side.

11.In view of the order that is going to be passed in the present Writ Appeal, notice to the first respondent is dispensed with.

12.It is a fact that there has been a commotion between the correspondent of the appellant institution and the first respondent teacher. Pursuant to the said episode, the first respondent teacher has given a complaint to the concerned police on 09.02.2018 with FIR in Cr.No.5 of 2018.

13.The said FIR was sought to be quashed by way of CRL.OP.(MD)No.17972 of 2018, filed by the Correspondent of the institution which was also dismissed on 21.11.2019. Therefore, the fact remains that there has been a personal complaint given by the first respondent teacher against the appellant correspondent and that is pending investigation on the file of the concerned police station ie., Ramji Nagar Police Station, which was not interfered



W.A.(MD)No.1162 of 2024

with by the Court as the petition filed also got dismissed on 21.11.2019.

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14.When that being the position, there has been every justification on the part of the first respondent to raise the point that there has been an animosity between the Correspondent of the institution ie., employer of the first respondent and the first respondent which triggered the first respondent to issue show cause notice dated 08.03.2023, which also we have gone through and we do not find any charge worthy to be considered for the purpose of disciplinary proceedings except to state that the first respondent teacher has acted upon against the interest of the correspondent or the management of the institution.

15.If at all any personal complaint had been given by the teacher in order to protect the right and privilege of the teacher especially from the criminal action which had been taken against him that kind of actions initiated by the employee has to be faced in the manner known to law, for which no disciplinary proceedings can be initiated.

16.Therefore, having considered all these aspects, the learned Judge has given a direction by way of Mandamus, of



W.A.(MD)No.1162 of 2024

course, rightly and therefore, the said order is perfectly in order and accordingly it is not to be interfered with at the hands of the Division Bench. Hence, the writ appeal fails.

17.Accordingly, this Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.J.] & [G.A.M.J.]

16.07.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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W.A.(MD)No.1162 of 2024

To

- 1.The Secretary,
School Education Department,
Secretariat,
Chennai – 9.

- 2.The Chief Educational Officer,
Office of the Chief Educational Officer,
Palakkarai,
Trichy.

- 3.The District Educational Officer,
Office of the District Educational Officer,
Old Collector Office,
Trichy – 620 008.



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W.A.(MD)No.1162 of 2024

R.SURESH KUMAR, J.

and

G.ARUL MURUGAN, J.

MR

ORDER MADE IN

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16.07.2024