



WP(MD). No.17339 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 26.07.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD). No.17339 of 2024
and WMP(MD) No.14909 of 2024

N.Kannan

... Petitioner

Vs

1. The Director of School Education,
Directorate of School Education,
DPI Complex, College Road, Chennai - 6.

2. The Joint Director (Higher Secondary),
Directorate of School Education,
DPI Complex, College Road,
Chennai - 6.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the 1st respondent to consider and dispose of the appeal, dated 05.03.2018 followed by subsequent reminders preferred by the petitioner against the orders of the 2nd respondent in its Pa.Mu.No.27763/W2/E3/2010, dated 12.02.2018 within a time frame to be fixed by this Court.



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For Petitioner : Mr. V.Vijayashankar

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

Heard Mr.V.Vijayashankar, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.

2. This Writ Petition has been filed for a direction to the 1st respondent to consider and dispose of the appeal, dated 05.03.2018 followed by subsequent reminders preferred by the petitioner against the orders of the 2nd respondent in its Pa.Mu.No.27763/W2/E3/2010, dated 12.02.2018.

3. The petitioner, who has joined service as a B.T Assistant on 04.11.1991 has availed leave due to his health condition. After the expiry of leave, he was not allowed to join duty. In spite of several representations made by the petitioner, he was not allowed to join duty. In this regard, he has filed a writ petition before this Court seeking to



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permit him to rejoin duty. Pursuant to the directions given by this Court, he was permitted to rejoin. However, immediately after rejoining, he was issued with a charge memo alleging that he has taken excess unauthorised leave. The petitioner has also duly submitted his explanation. Being not satisfied with his explanation, the second respondent has been appointed as an enquiry officer. Without complying any of the mandatory procedures and formalities, the second respondent has passed order on 12.02.2018 by imposing punishment of removal from service. Challenging the same, he has preferred an appeal before the first respondent on 05.03.2018. However, no action has been taken by the first respondent to conduct the appeal. In the meantime, he has reached superannuation on 31.05.2018. Hence, this writ petition came to be filed.

4.Considering the pendency of appeal from the year 2018 and since the petitioner has exhausted the appeal remedy, there shall be a direction to the first respondent to pass orders on the petitioner's appeal, dated 05.03.2018. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the



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respondents to consider the same on its own merits.

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5. With the above direction, this Writ Petition is disposed of.

No costs. Consequently connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
PNM

To

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R.N.MANJULA, J.

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