



W.P.(MD).No.23403 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23403 of 2022

S.Rajathi

... Petitioner

Vs.

1.The District Educational Officer,
Kovilpatti Block,
Thoothukudi District

2.The District Education Officer,
Thoothukudi,
Thoothukudi District.

3. The Joint Director of Elementary Education (Admin),
Director of Elementary Education,
DPI, Chennai – 6

... Respondents

(R3 is *suo motu* impleaded by order dated 21.02.2024)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st Respondent in pursuant to the impugned order of dismissal from service passed by him vide his proceedings in Na.Ka.No. 2781/A3/2022 dated 24.08.2022 and quash the same as illegal, arbitrary and colourable exercise of power and consequently direct the respondent to reinstate the petitiouer in service with all monetary benefits and back wages for the interregnum period out of service.



W.P.(MD).No.23403 of 2022

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of writ of Certiorarified Mandamus to quash the impugned order of dismissal from service passed by the 1st respondent vide his proceedings in Na.Ka.No.2781/A3/2022 dated 24.08.2022 and for consequential direction to the respondents to reinstate the petitioner in service with all monetary benefits and back wages for the interregnum period out of service.

2. The brief facts which are necessary for the disposal of this Writ Petition are as follows:-

The petitioner was appointed as Secondary Grade Teacher on 30.01.2002 at Oovarkulam Panchayat Union Primary School Kariapatti Union. She completed probation on 30.01.2004 and after a period of 20 years, the petitioner was visited with a charge memo on 12.05.2022 and on the same day, the petitioner was suspended from service by the 1st respondent. Thereafter, the



W.P.(MD).No.23403 of 2022

impugned order of dismissal from service came to be passed on 24.08.2022.

Challenging the said dismissal order, this Writ Petition came to be filed.

3. When the matter came up for hearing today, Mr.Sarangan, learned Additional Government Pleader, who took notice for the respondents, submitted that the petitioner has already preferred an appeal on 15.09.2022 before the Joint Director of Elementary Education (Admin), Director of Elementary Education, DPI, Chennai – 6, as against the order of dismissal and the same is pending.

4.In view of the above submission, the Joint Director of Elementary Education (Admin), Director of Elementary Education, DPI, Chennai – 6, is *suo motu* impleaded as the 3rd respondent in this Writ Petition.

5. It is needless to point out that whenever an appeal of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-



W.P.(MD).No.23403 of 2022

consideration of the appeal made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. It is made clear that without going into the merits of this case, this Court hereby direct the the Joint Director of Elementary Education (Admin), Director of Elementary Education, DPI, Chennai – 6/3rd respondent herein to dispose of the appeal preferred by the petitioner and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.

21.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
CM



W.P.(MD).No.23403 of 2022

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3.3. The Joint Director of Elementary Education (Admin),
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W.P.(MD).No.23403 of 2022

L.VICTORIA GOWRI, J.

CM

W.P.(MD).No.23403 of 2022

21.02.2024