



WP(MD)No.10086 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20086 of 2017

and

WMP(MD)No.16369 of 2017

K.Kamaraj

... Petitioner

Vs

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of Higher Education,
Fort St.George, Chennai.
- 2.The Director of School Education,
College Road, Chennai.
- 3.The Chief Educational Officer,
Thanjavur, Thanjavur District.
- 4.The District Educational Officer,
Pattukottai Educational District,
Pattukottai,
Thanjavur District.
- 5.Khadir Mohideen Boys Higher Secondary School,
represented by its Secretary,
Adirampattinam – 614 701,
Thanjavur District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order of dismissal from service in Na.Ka.No.142/2017, dated 04.10.2017 on the file of the respondent No.5 and quash the same as illegal and consequently to direct the respondents to reinstate the petitioner in the post of Physical Education Teacher with all consequential benefits.

For Petitioner : Mr.Karthick,
for M/s.T.S.Lajapathi Roy Associates
For Respondent : Mr.K.Balasubramani
Nos.1 to 4 Special Government Pleader
For Respondent : No representation
No.5

ORDER

The petitioner a Physical Education Teacher working in the 5th respondent school from 02.06.1999 was terminated from service with effect from 22.12.2015 by order dated 04.10.2017.

2.The petitioner has filed this writ petition challenging the order dated 04.10.2017 that without conducting an enquiry and without providing an opportunity of hearing, he was terminated from service. This writ



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petition was entertained by this Court on 02.11.2017 and notice was ordered to the respondents. 5th respondent has also entered appearance through an Advocate. However there was no representation for the 5th respondent on 29.11.2024 and 06.11.2024. This Court in order to provide one more opportunity to the 5th respondent has adjourned this matter. Even today there is no representation for the 5th respondent.

3.The 5th respondent has been served with notice and he has not preferred to file any counter affidavit to this writ petition.

4.This Court considered the rival submissions and perused the materials placed on record.

5.From the impugned order it appears that the petitioner was unauthorisedly absent from duty for a few days, for which he was issued with a charge memo on 08.09.2017 calling for his explanation. It appears that the petitioner did not offer his explanation. Since he had not offered his explanation he was removed from service. According to the learned Counsel for the petitioner, the petitioner was appointed as a Physical Education Teacher in the 5th respondent School on 02.06.1999 and his appointment



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was also approved by the District Educational Officer on 30.01.2000.

The 4th respondent has taken a stand that since it is a minority institution, no prior approval is required for termination order. Admittedly no enquiry was conducted for the delinquencies said to have been committed by the petitioner, he was terminated from service, there is no discussion in the impugned order, the 5th respondent has also not preferred to contest this case by filing any counter affidavit to this writ petition and therefore, this writ petition is allowed. The impugned order is set aside. No costs. Consequently connected miscellaneous petition is closed.

25.11.2024

Internet : Yes / No

DSK

To

- 1.The Principal Secretary,
Department of Higher Education,
Fort St.George, Chennai.
- 2.The Director of School Education,
College Road, Chennai.
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Thanjavur, Thanjavur District.
- 4.The District Educational Officer,
Pattukottai Educational District,
Pattukottai, Thanjavur District.



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B.PUGALENDHI.J.,

DSK

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