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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27-01-2025

CORAM
THE HONOURABLE MR JUSTICE S. S. SUNDAR
AND
THE HONOURABLE MR JUSTICE P.B. BALAJI

CMP Nos. 29027 of 2024 and 29032 of 2024

in

W.A.Nos. 1654 of 2024 and 1655 of 2024

Dr.Navis Jai Chithra
Senior Principal of RICE Mathakondapalli
Model School, Mathakondapalli - 635114,
Krishnagiri District

Appellant in both petitions

Vs

The School Management Committee
Rural Institute for community Education,
Mathakondapalli Model School, Mathakondapalli-635114
Krishnagiri District and 6 Others
Respondents in both petitions

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For Appellant: Mr.V. Prakash, Senior Counsel
for K.Jayasudha

For Respondents. Mr.P.Wilson, Senior Counsel
For Mr.R.Kannan -R1 to R3
Mr.R.Neethi Perumal, GA -R4 & R5

ORDER

(Order of the Court was made by the Hon'ble S.S.Sundar J.)

These petitions have been filed to modify the common order
passed by this Court in W.A.No. 1654 of 2024 dated 07.11.2024,



clarifying that the enquiry may be continued from the stage it stopped before the Hon'ble Mr. Justice Late P. Shanmugam (Retired).

2. Mr. V. Prakash, learned senior counsel strenuously argued that the scope of the enquiry by the enquiry officer, as directed by this Court, should be extended to charge memos dated 15.05.2017 and 29.01.2018.

3. Per contra, Mr. P. Wilson, learned senior counsel appearing for the respondent has raised serious objections for the new enquiry officer to proceed with the enquiry from where the enquiry was left by Hon'ble Mr. Justice P. Shanmugam (Retd.). Learned senior counsel further submitted that the second charge memo is not the subject matter of writ appeals.

4. We have perused the impugned common order dated 07.11.2024. There is no specific direction in the impugned order to enlarge the enquiry to include the charge memo dated 29.01.2018, as argued by the learned senior counsel appearing for the petitioner. Even the present petitions for modification do not indicate that the petitioner seeks an order from this Court to enlarge the scope of the enquiry to



include charge memo dated 29.01.2018.

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5. This Court, having regard to the submissions made by either side, is of the view that the order sought to be modified cannot be read as it is being interpreted by the learned senior counsel appearing for the petitioner. In other words there is no clerical error. When the modification sought for is a relief by itself, we may consider the prayer in a review petition and not in a petition for modification.

6. A petition for modification cannot be filed when the scope of modification is to examine the correctness of the order. Therefore, with liberty to the petitioner to file review applications, these petitions seeking modification of the order is dismissed. No costs.

(S.S.SUNDAR J.) (P.B.BALAJI, J.)
27-01-2025

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S. S. SUNDAR, J.

P.B. BALAJI, J.

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