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W.A.No.41 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE C. SARAVANAN

W.A.No.41 of 2025

The Correspondent/Headmistress
Nirmala Madha Girls Higher Secondary School
Soosai nagar, Pathiyavaram
Chetpet Taluk, Thiruvannamalai - 632 236. .. Appellant

Vs.

1. L.Nirmala
2. The Director of School Education
College Riad, Nungambakkam
Chennai - 600 006.
3. The Chief Educational Officer
Pavazhakundur, Thiruvannamalai - 606 601.
4. The District Educational Officer
Cheyyar, Thiruvannamalai - 606 604.
5. B.Ram Prasath .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the interim order dated 02.12.2024 in W.M.P.No.38392 of 2024 in W.P.No.35489 of 2024.

For the Appellant : Mr.P.Godson Swaminath
for M/s.Issac Chambers

For the Respondents : Mr.R.Needhiperumal
Government Advocate
for R2 to R4



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JUDGMENT

(Judgment of the Court was authored by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the interim order dated 02.12.2024 made in W.P.No.35489 of 2024, whereby, the learned Writ Court had appointed an Advocate Commissioner to conduct an enquiry with the writ petitioner, students and the Management individually with regard to the allegations levelled against the writ petitioner by the students and the Management and to submit a detailed report before the Writ Court within a period of one month from the date of receipt of a copy of the impugned order, that is on or before 03.01.2025.

2. The said interim order, according to the learned counsel appearing for the appellant, was passed *ex parte* without hearing the Management. Therefore, a vacate stay petition also has been filed by the present appellant before the Writ Court in W.M.P.No.42984 of 2024. However, it seems that the Writ Court has so far not taken up the said vacate stay petition. Therefore, the grievance of the present appellant is that either the vacate stay petition filed by the appellant Management before the Writ Court be heard, otherwise, the order passed *ex parte*, by which an Advocate Commissioner has been appointed as an Enquiry Officer which will



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be detrimental in the interest of the writ petitioner, the students as well as the Management, the learned counsel appearing for the appellant Management seeks indulgence of this Court.

3. *Mr.R.Needhiperumal*, learned Government Advocate accepts notice for respondents 2 to 4. Since the first respondent is the writ petitioner and who should also be heard before taking any decision in this Writ Appeal, because of the order that we are going to pass while disposing the present Writ Appeal, notice to the first respondent stands dispensed with.

4. The grievance of the appellant herein is that if at all any *ex parte* order has been passed, whereby, an Advocate Commissioner/Enquiry Officer has been appointed to enquire into the veracity of the allegations that are levelled against the writ petitioner by the students before the Management, such a direction ought not to have been passed without hearing the Management and when a vacate stay petition already has been filed to vacate the order and the same having been numbered and was admitted to be moved before the Writ Court, the Writ Court has not so far heard the matter. If that grievance of the appellant is redressed, there could be no impediment in disposing this writ appeal at the



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admission stage itself.

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5. In that view of the matter, we are inclined to dispose of this writ appeal with the following orders:-

(i) The learned Writ Court is hereby requested to take up the vacate stay petition filed by the appellant herein, who was a respondent in the main writ petition in W.M.P.No.42984 of 2024, in W.P.No.35489 of 2024 at the earliest and dispose the same after hearing the both sides on merits.

(ii) Since the Writ Court has already passed an *ex parte* interim order, by which, an Advocate Commissioner/Enquiry Officer has been appointed, early hearing of the said vacate stay petition is required, this matter may be taken up and be decided as directed, on merits and in accordance with law, as early as possible by the Writ Court.

6. With these observations and directions, the present writ



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appeal stands disposed of. There shall be no order as to costs.

Consequently, C.M.P.No.285 of 2025 is closed.

(R.S.K., J.) (C.S.N, J)
08.01.2025

Neutral Citation:Yes/No

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Note:- Issue order copy on 09.01.2025.

To:

1. The Director of School Education
College Riad, Nungambakkam
Chennai - 600 006.
2. The Chief Educational Officer
Pavazhakundur, Thiruvannamalai - 606 601.
3. The District Educational Officer
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R. SURESH KUMAR, J.
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