



W.P.(MD)No.8683 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8683 of 2023

and

WMP(MD) No.7953 of 2023

Hairathul Jamalia Higher
Secondary School
Rep. by its Correspondent
N.Shahjahan

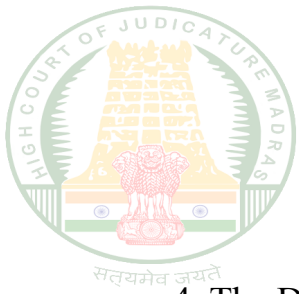
... Petitioner

-VS-

1. The Secretary to Government,
Department of School Education,
Fort St.George,
Chennai - 600 009.

2. The Commissioner of School Education,
EVK Sampath Building,
Chennai - 600 006.

3. The Joint Director of School,
Education (Secondary),
Office of the Commissioner of School Education,
EVK Sampath Building,
Chennai - 600 006.



W.P.(MD)No.8683 of 2023

4. The Director of School Education,
EVK Sampath Building,
Chennai - 600 006.

5. The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.

6. The District Educational Officer (Secondary),
Ramanathapuram District.

7. Abdul Azeez

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings dated 02.03.2023 in Na.Ka. No.00746/D2/E2/2022 and quash the same consequently, direct the 3rd respondent to pass fresh order after conducting proper enquiry by providing opportunity to the petitioner.

For Petitioner : Mr.K.Vadivelu

For Respondents : Mr.M.Siddharthan
Addl. Govt. Pleader for R1 to R6
Mr.H.Mohammed Imran
for M/s.Ajmal Associates for R7



W.P.(MD)No.8683 of 2023

WEB COPY

ORDER

The petitioner has filed the present writ petition before this Court, challenging the impugned order dated 02.03.2023 passed by the third respondent and consequently seeking a direction to the third respondent to pass a fresh order after conducting a proper enquiry and providing an opportunity to the petitioner.

2. The case of the petitioner/school management is that an enquiry was conducted against the seventh respondent and a final order was passed on 08.02.2014, awarding the punishment of removal from service. Subsequently, the seventh respondent preferred an appeal before the third respondent. The third respondent issued an enquiry notice dated 20.12.2022, calling upon the petitioner to attend the enquiry on 09.01.2023. In response, the petitioner/school management requested additional time to attend the enquiry. However, without affording an opportunity to the petitioner/school management, the respondent passed the impugned order, which is in violation of the principles of natural justice. Aggrieved by the same, the petitioner has filed the present writ petition, seeking to set aside the impugned proceedings.



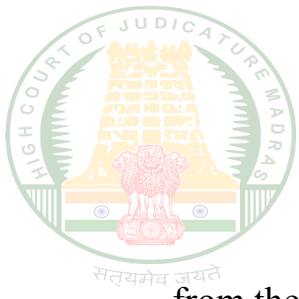
W.P.(MD)No.8683 of 2023

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3. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 6 and the learned counsel for the seventh respondent, fairly submitted that the matter may be remanded back to the third respondent for reconsideration and that the third respondent will pass a fresh order within a specified time frame.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. Upon considering the submissions made by the learned counsel for the petitioner as well as the learned Additional Government Pleader and the learned counsel for the seventh respondent, this Court finds it appropriate to set aside the impugned proceedings. Accordingly, the impugned proceeding dated 02.03.2023, is hereby set aside and the matter is remitted back to the third respondent. The third respondent is directed to consider the case of the petitioner and pass fresh orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of three months



W.P.(MD)No.8683 of 2023

from the date of receipt of a copy of this order.

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6. In the result, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No

Index : Yes / No

PKN

16.07.2025

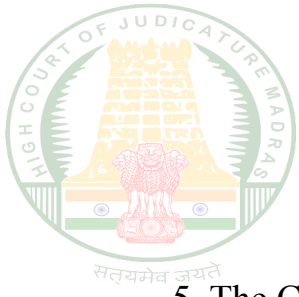
To:-

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W.P.(MD)No.8683 of 2023

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W.P.(MD)No.8683 of 2023

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.8683 of 2023

16.07.2025