

W.A(MD)No.1465 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.04.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A.(MD)No.1465 of 2019

and

C.M.P(MD)No.11841 of 2019

Sowpackiavathy

... Appellant / writ petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary,
School Education Department,
Fort St.George,
Chennai-9.
- 2.The Director of Elementary Education,
DPI Campus,
Chennai-6
- 3.The District Elementary Educational Officer,
Madurai District,
RMS Road,
Madurai.
- 4.The Assistant Elementary Educational Officer,
Madurai East Union,
Pattu Poochi School,
Madurai.



W.A(MD)No.1465 of 2019

5.The Head Mistress
Panchayat Union Middle School,
Naickanpatti,
Madurai East Union,
Madurai-107.

6.Subramanian
The District Elementary Educational Officer,
Madurai District,
RMS Road,
Madurai.

7.Josephine Ruby
The Assistant Elementary Educational Officer,
Madurai East Union,
Pattu Poochi School,
Madurai.

8.Rasathi
The Head Mistress,
Panchayat Union Middle School,
Naickanpatti,
Madurai East Union,
Madurai-107.

...Respondents/ Respondents

Prayer: This Writ Appeal is filed under Clause XV of Letters Patent, to
set aside the order passed in W.P.(MD)No.2511 of 2014 dated 22.07.2019
on the file of this Court.

For Appellant : No Appearance
For Respondent : Mr.V.Omprakash – for R1 to R5
Government Advocate
Left – for R6
No Appearance - for R7
No such person – for R8



W.A(MD)No.1465 of 2019

JUDGMENT

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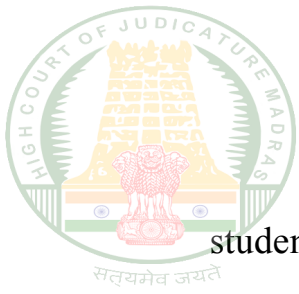
DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

The writ appeal is preferred against the order passed by the learned Single Judge dismissing the application of the appellant seeking to challenge the charge memo, dated 05.02.2014.

2. The appellant herein joined as BT Assistant (English) in Panchayat Union Middle School Kulavaipatti, Annavasal Union, Pudukottai District on 15.09.2010. She was transferred to Middle School, Naickanpatty on 01.08.2012. On 18.12.2013 when District Elementary Educational Officer conducted surprise inspection, he found that the students of the appellant were very poor in English and not able to even answer very basic questions put in English. Hence, charge memo was issued to her to show cause why action should not be taken against her. Challenging the same, she filed a Writ Petition in W.P.(MD)No.2511 of 2014. This Court after hearing the State and perusing the records, found that from the assessment report of the Educational Authority concerned, it is clear that the writ petitioner has failed to teach the



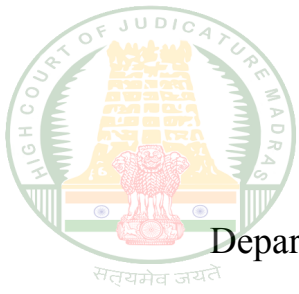
W.A(MD)No.1465 of 2019

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students, the English language properly and it is a classic case where the teachers have committed negligence and dereliction of duty. After framing array of directions to improve the education standard, the writ petition was dismissed. Being aggrieved, the present writ appeal is filed. However, when the matter is taken up for consideration, there is no representation.

3. The learned Government Advocate appearing for the respondents 1 to 5 states that the appellant herein after receipt of the charge memo filing the writ petition in the year 2014 had failed to turn up to duty since 13.07.2015 she is absent unauthorisedly and therefore, she was placed under suspension and in spite of several notice, till date she has not subjected herself for the Departmental proceedings. Since in view of the pendency of the writ appeal, further action could not be taken by the Department.

4. Taking note of the fact that the appellant without participating in the Departmental proceedings had rushed to this Court, but failed. Even thereafter, there is a serious misconduct of unauthorised absence. However, due to the pendency of the writ appeal, the



W.A(MD)No.1465 of 2019

Department is unable to proceed against her for her grave misconduct.

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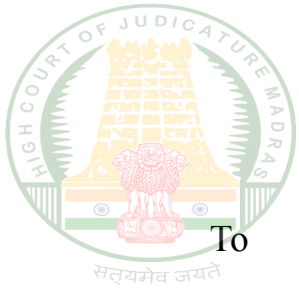
There cannot be a judicial interference when there is a *prima facie* material available to frame charge and proceed in accordance with the Service Rules. Hence, there is no merit in the writ petition. The learned Single Judge has rightly dismissed the writ petition which need to be confirmed.

5. Accordingly, the Writ Appeal stands dismissed. The official respondents are directed to take necessary action immediately against the appellant in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

[G.J, J.] [R.P., J.]
03.04.2025

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

RM



W.A(MD)No.1465 of 2019

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W.A(MD)No.1465 of 2019

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and
R.POORNIMA, J.

RM

Judgment made in
W.A.(MD)No.1465 of 2019

03.04.2025