

(2015) 09 MAD CK 0274

In the Madras High Court

Case No : Writ Petition Nos. 8399, 8796, 11543 of 2015, M.P. Nos. 1, 2 of 2015 (6 MPs) in W.P. Nos. 8399, 8796, 11543 of 2015 & M.P. No. 3 of 2015 in W.P. No. 11543 of 2015

K.R. Sakunthala and Others

APPELLANT

Vs

The Joint Director, Higher Secondary, DPI Campus College
Road and Others

RESPONDENT

Date of Decision : 11-09-2015

Acts Referred:

Citation : (2015) 09 MAD CK 0274

Hon'ble Judges : M.M. Sundresh, J

Bench : Single Bench

Advocate : Hasan Faizal, for the Appellant; P. Rajalakshmi, Govt. Advocate, Advocates for the Respondent

Final Decision : Disposed off

Judgement

M.M. Sundresh, J—The legal heirs of K.S. Prasanna Chidambara Reddiar and K.S. Krishnamurthy Reddiar have filed these writ petitions. The said K.S. Prasanna Chidambara Reddiar and K.S. Krishnamurthy Reddiar are the sons of Saptharishi Reddiar. Now the dispute is triangular in nature. The son of K.S. Prasanna Chidambara Reddiar, viz., K.P. Ramasundamanian, died. Being aggrieved over the very same impugned order, the legal heirs of K.P. Ramasundamanian have filed WP.No.8399 of 2015, the 2nd son filed WP.No. 8796 of 2015 and the 1st son of K.S. Krishnamurthy Reddiar has filed WP.No. 11543 of 2015.

2. The dispute between the parties started in the 1993 and continues till now. It has seen writ proceedings against the officials respondents and civil suits including a compromise decree. By the impugned order dated 3.3.2015, the petitioner in WP.No. 11543 of 2015 was allowed to preside over the Educational Agency till 31.5.2015, as against the claim of the petitioners in other two cases.

3. A perusal of the impugned order would show that the objections raised by the

petitioner in W.P. No.8796 of 2015 have not been recorded and dealt with. Similarly, the petitioners in W.P. No.8399 of 2015 have not been heard on the ground that they did not co-operate with the Enquiry Officer. The fact remains that they have not been heard and in any case their objections have not been taken into consideration.

4. Though the learned counsel appearing for the parties took this court at length to the various proceedings, this court is not inclined to go into the same after taking note of the notice issued by the Joint Director of School Education (Higher Secondary) in Na.Ka.No.107055/W4/ E1/2013 dated 12.5.2015 and 15.5.2015 directing the parties to appear for enquiry on the petition given by the petitioner in W.P. No.8796 of 2015.

5. Thus, this court is not inclined to go into merits of the case in view of the subsequent development of the order impugned.

6. Considering the same, it is suffice to direct the petitioners in all these writ petitions to appear before the Joint Director of School Education (Higher Secondary) and cooperate with the pending enquiry, as there are several issues involved both on facts and law coupled with further fact that in the earlier proceedings, which was under challenge before this court, the contentions of the petitioners in W.P. Nos.8796 and 8399 of 2015 have not been noted and taking into consideration, the authority concerned is directed to pass fresh orders without being influenced by the earlier order passed on 3.3.2015. This observation is also made for the reason that even a copy of the said order has not been marked to the petitioners in W.P. Nos.8796 and 8399 of 2015, apart from not recording their objections. In fact, in so far as the petitioners in W.P. No.8399 of 2015 is concerned, no fresh notice has been issued, just by taking note of the alleged objections raised "alleging non-operation to the enquiry". It is needless to state that the petitioners in both the W.P. Nos.8796 and 8399 of 2015 are certainly entitled to be heard since their interest is also very much involved.

7. Accordingly, the Joint Director of School Education (Higher Secondary) is directed to issue notice to all the parties including the petitioners in W.P. Nos.8796 and 8399 of 2015 and thereafter pass appropriate final orders, within a period of eight weeks from the date of receipt of a copy of this order. As the petitioner in WP.No. 11543 of 2015 is continuing by virtue of the interim order, he shall continue in the said position making it clear that he shall not take any policy decision including any new appointments.

The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.