

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.5255 of 2015 and
M.P.No.1 of 2015

R.Senthil Kumar

.. PETITIONER

Vs

1. The Joint Director of School Education
(Secondary), College Road, Chennai-6.
2. Chief Educational Officer,
Salem, Salem District.
3. District Educational Officer,
Salem, Salem District.
4. The Secretary,
Vasavi Higher Secondary School,
Shevapet, Salem-636 002,
Salem District.

.. RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India for the issue of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings No.NIL dated 20.02.2015 of the 4th respondent and quash the same and direct the respondents to furnish the documents asked by the petitioner and proceed with the memo dated 10.02.2015.

For petitioner : Mr.C.Selvaraj,
Senior Counsel
for M/s.C.S.Associates

For respondents : Mrs.E.Raniselvam,
1 to 3 Additional Government Pleader

For 4th respondent : Mr.S.N.Ravichandran

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O R D E R

The petitioner is facing a departmental enquiry. The 4th respondent is the employer, namely, a private school. The School took a stand that three documents that were sought for by the petitioner could be collected by the petitioner by making an application under Right to Information Act. Hence, the petitioner has approached this Court by filing the present Writ Petition.

2. This Court passed a following order on 27.02.2015:

"The management, fourth respondent herein, issued a charge memo to the petitioner. The petitioner wanted the documents relied on by the fourth respondent to be given to him so as to enable him to give effective reply and defend the proceedings. The fourth respondent by way of impugned order rejected the said request on the ground that the documents have to be collected from the Education Department by filing an application under the Right to Information Act. It is the grievance of the petitioner that without furnishing documents, the fourth respondent is now proceeding with the enquiry.

2. Notice of motion returnable by 10.04.2015. Private Notice is also permitted.

3. There shall be an Interim Stay of enquiry proceedings, in the mean time."

In view of the same, now there is a stay of the disciplinary proceedings.

3. Now the learned Counsel for the 4th respondent has submitted that the 4th respondent school is willing to furnish those three documents which were directed to be collected under Right to Information Act.

4. In view of the statement made by the learned Counsel for the 4th respondent, the Writ Petition is disposed of directing the 4th respondent school to furnish those documents and after furnishing those documents, the school could proceed further in the matter of enquiry. No costs. Consequently, connected Miscellaneous Petition is also closed.

tsi

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Joint Director of School Education
(Secondary), College Road, Chennai-6.
2. Chief Educational Officer,
Salem, Salem District.

3. District Educational Officer,
Salem, Salem District.

4. The Secretary,
Vasavi Higher Secondary School,
Shevapet, Salem, Salem 636 002.

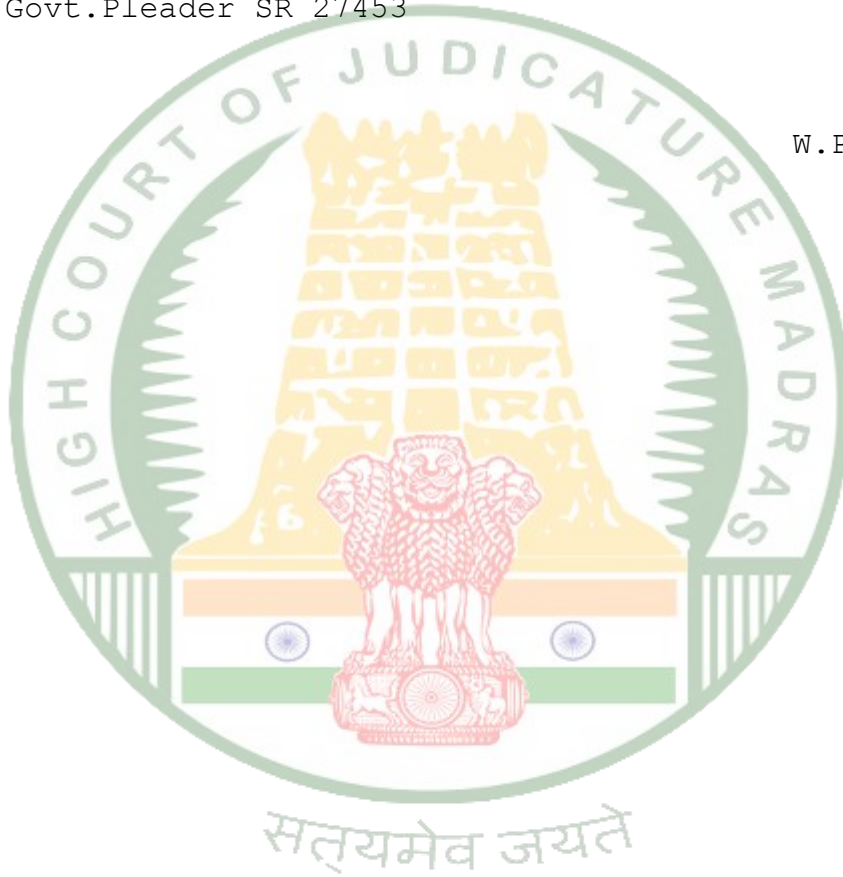
+ 1 cc to M/s.C.S.Associates, Advocate SR 27374

+ 1 cc to M/s.S.N.Ravichandran, Advocate SR 27624

+ 1 cc to Govt.Pleader SR 27453

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W.P.No.5255 of 2015



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