



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15855 of 2015

and M.P. (MD) No. 1 of 2015

Vinoth

..Petitioner

Vs.

1.The Additional Chief Educational Officer,
Department of School Education,
Virudhunagar District,
Virudhunagar.

2.The Project Director,
Sarvasiksha Bhiyan
DPI Complex,
College Road,
Chennai.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the notice in Na.Ka.nO.1056/A2/SSA/2014 dated 23.07.2015 on the file of the respondent No.1 issued to the petitioner and quash the same or to pass such further or other orders as this Court may deem fit and proper in the nature of the case.

For Petitioner	...	Mr.A.V.Arul for Y.Prakash
For Respondents	...	Mr.Aayiram K.Selvakumar Government Advocate

O R D E R

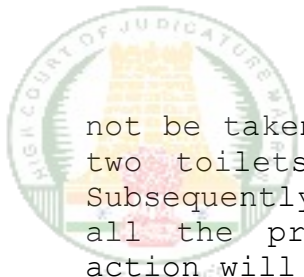
This Writ Petition has been filed by Vinoth challenging the show cause notice issued in Na.Ka.nO.1056/A2/SSA/2014 dated 23.07.2015 on the file of the respondent No.1.

2. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

4. The learned counsel for the petitioner drew the attention of this court to the impugned notice inviting the petitioner to send his explanation and the respondents are intending to dismiss the petitioner from service after receiving explanation without holding enquiry. Therefore, the impugned order is liable to be interfered with as it is running contrary to the service jurisprudence which contemplates proper procedure for taking disciplinary proceedings.

5. The learned Government Advocate appearing for the respondents would submit that the petitioner was issued with the impugned notice dated 23.07.2015 calling him to send explanation as to why action should



not be taken for not ensuring the construction of 4 toilets as there were two toilets for which the petitioner has to submit his explanation. Subsequently, charge memo will be issued and thereafter, after following all the procedures and after completing the disciplinary proceedings action will be taken.

WEB COPY

6. Recording the said statement, this Court makes it clear that if the respondents are not satisfied with the explanation offered by the petitioner, they should issue proper charge memo giving him sufficient time to submit his explanation. After receiving the explanation, if the disciplinary authority is not satisfied they should appoint an Enquiry Officer and only on completion of proper enquiry by giving sufficient opportunities to the petitioner and after issuing second show cause notice and thereafter on receipt of the second written representation to the second show cause notice, they should take further action if necessary.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Additional Chief Educational Officer,
Department of School Education,
Virudhunagar District,
Virudhunagar.

2.The Project Director,
Sarvasiksha Bhiyan
DPI Complex, College Road,
Chennai.

+1cc to M/s.Y.Prakash, Advocate in SR.No.51632

+1CC to the Special Government Pleader, in SR.No.51320

W.P.(MD)No.15855 of 2015
and M.P.(MD) No. 1 of 2015
02.09.2015

ses.

PBK/GSV-PM/SAR-II 22/09/2015 ::2P-5C::