

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.1756 of 2016
and
W.M.P.No.1541 of 2016

A.Indira Antony Mary

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Fort St. George, Chennai.
2. The Director,
Directorate of School Education,
College Road, Chennai - 600 006.
3. District Elementary Education Officer,
Manjakuppam, Cuddalore District.
4. Assistant Education Officer,
Kattumannarkoil,
Cuddalore District - 608 301.

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to proceedings in Na.Ka.No.2579/A4/2012, dated 12.01.2016 issued by the 3rd respondent and quash the same.

For Petitioner : Mr.P.V.S.Giridhar
for M/s.Giridhar and Sai

For Respondents : Mr.N.Srinivasan
Additional Government Pleader

ORDER

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

2. Learned counsel for the petitioner submitted that the petitioner is working as a Headmistress in the Panchayat Union Elementary School at Therku Vellore, Cuddalore District. While so, the third respondent has issued a charge memo against the petitioner dated 08.04.2013. Subsequently, an Enquiry Officer was appointed and after conducting enquiry, the Enquiry Officer filed his report stating that the charges are proved. Thereafter, the third respondent issued a show cause notice dated 12.01.2016 seeking explanation from the petitioner.

3. Learned counsel for the petitioner would submit that the disciplinary proceedings were initiated only on the basis that the petitioner was implicated in a criminal case and she was arrested and remanded to judicial custody for a period of 13 days. He further submitted that mere implication of a criminal case and arrest would not be sufficient to punish an employee in the departmental proceedings. Learned counsel also relied upon the judgments of this Court in P.K.Durairaj vs. Chennai Port Trust (Manu/TN/1451/2003) and D.Dinakaran vs. The Superintendent of Police and the Deputy Superintendent of Police (Manu/TN/0557/2013). Therefore, the impugned order has to be set aside.

4. Heard the submissions of Mr.P.V.S.Giridhar, learned counsel appearing for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5. In the instant case, it is not in dispute that the third respondent has issued a charge memo and the enquiry was also conducted by appointing the Enquiry Officer and the report of the Enquiry Officer along with the show cause notice were served on the petitioner. Therefore, at this stage, the submission of the learned counsel for the petitioner cannot be considered. According, the Writ Petition is dismissed. However, before passing a final order in the disciplinary proceedings, the respondents shall take into consideration the reply submitted by the petitioner and the judgments relied upon by him. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ogy/sri

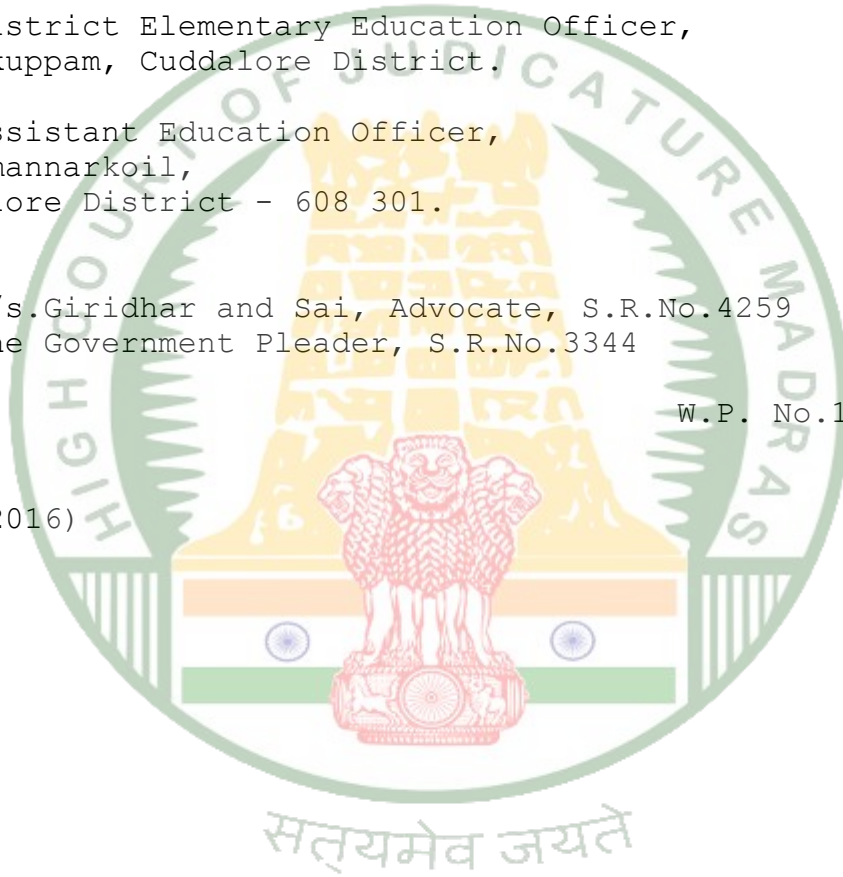
To

1. State of Tamil Nadu,
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4. The Assistant Education Officer,
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+1cc to M/s.Giridhar and Sai, Advocate, S.R.No.4259
+1cc to the Government Pleader, S.R.No.3344

W.P. No.1756 of 2016

VS (CO)
CA(18/02/2016)



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