



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2016

CORAM

THE HONOURABLE **MRS.JUSTICE PUSHPA SATHYANARAYANA**

W.P (MD) .No.2755 of 2016

and

WMP (MD) No.2438 of 2016

P.Simon Prabhu

.. Petitioner

Vs.

1.The District Elementary Educational Officer,
S.N.High Road, Tirunelveli - 1.

2.The Additional Elementary Educational Officer,
Radhapuram, Radhapuram Taluk,
Tirunelveli District.

3.The Correspondent/Secretary,
Mr.Subramania Mudhaliar Memorial Middle School,
Kottaikarunkulam, Radhapuram Taluk,
Tirunelveli District.

4.S.Kanthimathi Nathan
Advocate/Enquiry Officer,
No.3/124, East Car Street,
Palavoor Post,
Tirunelveli District - 627 114.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari calling for the records relating to the proceedings of the enquiry officer/4th respondent dated 25.01.2016 and quash the same.

For Petitioner	: Mr.R.Balakrishnan
For R1 and R2	: Mr.V.Muruganandam Additional Government Pleader
For R3	: Mr.S.Palanivelayutham

ORDER

The writ petition has been filed challenging the proceedings of the fourth respondent/enquiry officer, dated 25.01.2016.



2. Heard the learned counsel appearing on either side.

3. The petitioner, who is the Head Master of the third respondent school has filed the above writ petition challenging the refusal of cross examination of the Secretary of the School in the enquiry proceedings. The Enquiry Officer is an advocate, who has rejected his petition for cross examining the Secretary vide his order, dated 25.01.2016 and directing the petitioner to continue to examination of his witnesses, if any, from 29.01.2016. After notice, the third respondent, who is the Correspondent and Secretary of the School has appeared through his counsel.

4. It is only to recall the Secretary for the purpose of cross examination, the petition had been filed. The petitioner had not commenced his side of examination of witnesses. The reopening of the case can be done in any of the stage of the proceedings. Therefore, no serious prejudice would be caused to the third respondent/Secretary, if he is cross examined by the petitioner before commencing his side of his examination. Therefore, the fourth respondent/Enquiry Officer is directed to permit the petitioner to cross examine the Secretary/3rd respondent on the date fixed for the same and continue with the enquiry. However, the entire enquiry has to be completed within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO Dept)

/True Copy/

Sub Assistant Registrar

To

1. The District Elementary Educational Officer,
S.N.High Road, Tirunelveli - 1.
2. The Additional Elementary Educational Officer,
Radhapuram, Radhapuram Taluk, Tirunelveli District.
3. The Correspondent/Secretary,
Mr.Subramania Mudhaliar Memorial Middle School,
Kottaikarunkulam, Radhapuram Taluk,
Tirunelveli District.

+1cc to Spl.Government Pleader Sr.No. 12484

+1cc to Mr.S.Palanivelayutham, Advocate Sr.No.12364

+1cc to Mr.R.Balakrishnan, Advocate Sr.No.12354

rj2

AA/SKS-RR/21.03.2016/2p-7c