

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 30.10.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1324 of 2017  
and  
C.M.P.No.18405 of 2017

S.A.Anbazhagan

Appellant

Versus

District Collector,  
O/o. the District Collectorate  
(Development)  
Ariyalur District. Ariyalur.

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 4.9.2017 passed in W.P.No.23795 of 2017 on the file of this court.

WP No.23795/2017 dated:4/9/2017:

Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari, calling for the records from the respondent herein, relating to proceedings issued in Na.Ka.No.4255/09 R.D.2 dated 1/8/2017.

For appellant : Mr.V.Venkaasamy  
For respondent : Mr.R.Prathapkumar, AGP

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and perused the order passed by the learned Single Judge.

2. The learned Single Judge, in para 3 of the order, has held thus:-

"The learned counsel appearing for the writ petitioner states that the respondent has already pre-determined the issue and has taken a decision. Such an argument at this stage cannot be considered and based on the letter of the Board of School Examinations, the action was initiated and the allegations against the writ petitioner are set out in the show cause notice

and such allegations set out in the show cause notice cannot be construed as if the respondent has pre-determined the issue. It is left open to the writ petitioner to submit his explanation/objections to the show cause notice and the competent authorities should consider the same and take a decision on merits and in accordance with law. It is needless to state that the enquiry has to be conducted by providing an opportunity to the writ petitioner to submit his defence statements."

3. In view of the above, we are of the view that there is no prejudice being caused to this appellant by the order of the learned Single Judge. As against the order of issuance of show cause notice, it is for the appellant to submit a reply. Even otherwise, he has been neither suspended nor dismissed from service without holding enquiry. In the circumstances, since it is stated that it is left open to the appellant to submit explanation to the show cause notice and the competent authority should consider the same and take a decision on merits and in accordance and that the enquiry has to be conducted by affording opportunity to the petitioner, it is not as if the appellant is defenceless since the authorities are directed to hold enquiry after affording due opportunity in compliance of principles of natural justice which would take care of the situation and therefore, it is too premature to take a stand as if injustice is done to him. It is well open to the appellant to submit explanation to the authority, who shall take a decision on merits and in accordance with law. We do not find any infirmity in the order passed by the learned Single Judge.

4. It appears that the allegation against the writ petitioner is production of fake certificate. Therefore, it is further open to the appellant/writ petitioner to get authenticity certificate with regard to the certificate produced by him from the Board concerned and in the event of the certificate produced by him being found to be genuine on verification from the records being maintained by the Board, it would come to the rescue of the petitioner. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To:

District Collector,  
O/o. the District Collectorate  
(Development)  
Ariyalur District. Ariyalur.

+lcc to M/s.V.Venkkatasamy, Advocate SR.No.76325 dt.30/10/2017  
+lcc to Government Pleader SR.No.77190 dt.31/10/2017

W.A.No.1324 of 2017  
30.10.2017.

AD(CO)  
SM:22/11/2017



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