

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.36671 of 2016

V.Vedakan Dhanaraj

... Petitioner

Vs

1.State of Tamil Nadu

Rep.by its Secretary to Government  
Department of School Education  
Chennai - 600 009.

2.The Director of School Education

College Road  
Chennai - 600 006.

3.The Chief Educational Officer

Krishnagiri - 635 001  
Krishnagiri District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to complete the inquiry relating to the Charge Memo issued by the 2<sup>nd</sup> respondent in his Proceedings Na.Ka.No.20355/A1/E2/2015 dated 8.4.2015 by giving a fair and reasonable opportunity to the petitioner to defend himself.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.S.Guna Sekaran  
Additional Government Pleader

O R D E R

The relief sought for in the writ petition is for a direction to the respondents to complete the enquiry relating to the charge memo issued by the second respondent in his proceedings Na.Ka.No.20355/A1/E2/2015, dated 8.4.2015.

2. The learned counsel appearing for the writ petitioner submits that the writ petitioner was holding the post of District Educational Officer and not allowed to retire from service on attaining the age of superannuation on 31.7.2015, without prejudice to the disciplinary proceedings initiated

against the writ petitioner under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. The learned counsel for the petitioner states that the writ petitioner is ready and willing to participate in the enquiry proceedings and in fact he was participating in the enquiry proceedings. However, he made an application seeking certain documents in relation to the allegations set out in the charge memo and those documents have not been supplied to the petitioner. The writ petitioner made a representation in this regard and till today, the respondents have not responded to such application nor supplied any document as sought for in the application.

3. It is needless to state that the relevant documents to the charge memo ought to be supplied to the delinquents for the purpose of defence and if certain protected documents are involved the delinquent may at least be allowed to peruse the documents during the course of enquiry, in order to defend his case in accordance with rules.

4. Thus, this Court is of the view that the documents and the records in relation to the allegations set out in the charge memo ought to be furnished to the writ petitioner or at least the writ petitioner shall be allowed to peruse the documents so as to defend his case in accordance with rules. However, the charge memo cannot be quashed at this juncture. In this view of the matter, the respondents are directed to consider the application submitted by the writ petitioner in respect of the documents sought for in relation to the charge memo and accordingly proceed with the enquiry and complete the same in all respects and pass final orders as early as possible, preferably within a period of four months from the date of receipt of a copy of this order. The writ petitioner is directed to co-operate for the completion of the enquiry proceedings. In the event of non-co-operation, the time limit prescribed will not provide any cause for the writ petitioner.

5. With these observations, the writ petition stands disposed of. However, no order as to costs.

Sd/-  
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Secretary to Government  
Department of School Education  
Chennai - 600 009.

2.The Director of School Education  
College Road  
Chennai - 600 006.

3.The Chief Educational Officer  
Krishnagiri - 635 001  
Krishnagiri District.

+ 1 cc to Government Pleader Sr.67737

+ 1 cc to Mr. S. Sathia Chandran, Advocate Sr.67064

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SVI (CO)  
EU(11/10/2017)



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