



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJAW.P. (MD) No. 14720 of 2017
and WMP Nos. 11563 to 11565/2017

B. Srinivasan

... Petitioner

Vs.

1. The Chief Educational Officer,
C.E.O.'s Office, Tirunelveli.
2. The District Educational Officer,
Cheranmadevi,
Tirunelveli District,
Tirunelveli.
3. The Secretary,
Thirithapathy Higher Secondary School,
Ambasamudram,
Tirunelveli District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari to call for the records of the Impugned Charge Memo Ref.No.913/2017-2018 dated 14.06.2017 on the file of the respondent No.3 and quash the same as illegal.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.D.Muruganantham, for R1 & R2 Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The petitioner has come to this Court challenging the correctness of the impugned charge memo dated 14.06.2017 complaining five counts against him on the ground of vagueness.

4. The learned counsel for the petitioner, explaining that how the charges are framed without application of mind, submitted that,

(a) Firstly, charge No.1, charging the petitioner stating that he has been associated with one organisation called "Satta Panchayat", which is criticising the Government policies with

political motive, cannot be alleged to be in violation of the Code 7 of Annexure II of the Tamil Nadu Private Schools Regulation Act. Hence, he has only participated with the said organisation and never criticised the Government policies;

(b) Secondly, when one Mr. Shanmugaiah, Post Graduate Assistant Tamil has abused the petitioner and humiliated him, as a matter of right, the petitioner had preferred a criminal complaint. Therefore, the 2nd charge levelled against the petitioner is not maintainable.

(c) Similarly, the third charge alleging that he is willfully misrepresented and misused the Right to Information Act, 2005 is wholly unjustifiable and untenable, since he is entitled to make use of the Right to Information Act by sending frequent communications and applications to the Educational and Police Authorities;

(d) Fourthly, the allegation levelled against him that he has been making allegations against the co-teachers and Management and thereby driving the students to the communal clash is wholly without any substance ;

(e) Lastly, the allegation against him is that he has brought disrespect to the management and institution is also baseless.

5. He further stated that when the petitioner was charged that he has violated the Code 7 of Annexure II of the Tamil Nadu Private Schools Regulation Act, he has also submitted a representation on 01.08.2017 seeking copy of the Management Rules, which are not furnished to him. For all these reasons, it is submitted that the impugned charge memo is liable to be interfered with by this Court.

6. Heard the learned Additional Government Pleader on the submissions of the learned counsel for the petitioner.

7. A reading of every charge clearly makes out a clear case against the petitioner. Therefore, firstly, the petitioner has to submit his detailed explanations and without the same, he cannot come to this Court.

8. Secondly, the Management Rules sought for by the petitioner is always available with the respondents and the same shall be provided to the petitioner. But this Court, finding that the charges levelled against the petitioner are not vague in nature, is unable to entertain the writ petition. However, the request for furnishing copy of Management Rules is required to be furnished to the petitioner for submitting his explanations.

9. The learned counsel for the petitioner submitted that when the matter was listed for hearing, it has been adjourned without specifying any date for further enquiry and therefore, the third respondent is directed to furnish a copy of the Rules within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the petitioner shall submit his explanation within two weeks thereafter and thereafter, it is for the disciplinary authority to proceed further.



10. The writ petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Chief Educational Officer,
C.E.O.'s Office, Tirunelveli.
- 2.The District Educational Officer,
Cheranmadevi,
Tirunelveli District,
Tirunelveli.
- 3.The Secretary,
Thirthapathy Higher Secondary School,
Ambasamudram,
Tirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 71624

+1cc to M/s.T.LAJAPATHI ROY Advocate in SR. No. 71442

RR

VB/SV.MMS/SAR.1/27.10.2017/3P-6C

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