



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.21028 of 2017

and

W.M.P. (MD) Nos.17269 and 17270 of 2017

T.Vimal Viswanath

... Petitioner

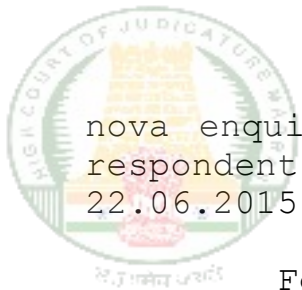
Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St. George,
Chennai-9.
2. The Director of Elementary Education,
DPI Campus,
Chennai-6.
3. The District Elementary Educational Officer,
Pudukottai District,
Pudukottai.
4. The Additional Assistant Elementary Educational Officer,
Kandarvakottai,
Pudukottai District.
5. The Enquiry Officer,
The Additional Assistant Elementary Educational Officer,
Pudukottai,
Pudukottai District.

6.Mr.Arunmozhi

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari/Mandamus, calling for the records pertaining to the impugned enquiry report issued by the 5th respondent dated 17.08.2017 and subsequent show cause notice issued by the third respondent in his proceedings in Na.Ka.No.1422/A3/2015 dated 27.09.2017 and quash the same as illegal and consequently directing the respondents to circulate the relevant documents asked by the petitioner based on petitioner's representation dated 12.05.2017 and to conduct de



nova enquiry in pursuant to the charge memo issued by the third respondent in his proceedings in Na.Ka.No.1422/A3/2014 dated 22.06.2015.

For Petitioner : Mr.T.A.Ebenezer

For R1 to R5 : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

This Writ Petition has been filed for challenging the enquiry report dated 17.08.2017 issued by the fifth respondent and subsequent show cause notice issued by the third respondent on 27.09.2017 order dated 06.10.2017 and for consequential direction to furnish the copies of the relevant documents asked by the petitioner and to conduct de nova enquiry in pursuant to the charge memo issued by the third respondent in his proceedings in Na.Ka.No.1422/A3/2014 dated 22.06.2015 and to pass further orders in this matter.

2.Heard T.A.Ebenezer, learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the respondents.

3.This Court by an order dated 16.11.2017 has passed the following order:

"Mr.A.K.Baskara Pandian, learned Special Government Pleader, takes notice on behalf of the respondents 1 to 5.

2.It is represented by the learned counsel for the petitioner that the enclosures to the enquiry report dated 17.08.2017 had not been furnished him so far and that it is only after getting the enquiry report that would be a position to make representation against the same.

3.In view of the aforesaid submission made, the learned counsel for the respondents submits that he would ascertain whether those documents have been handed over to the petitioner and if not, the same would be handed over to him on the next hearing.

4.Post the matter on 21.11.2017 at the end of the motion list."

4.Today, the learned Special Government Pleader appearing for the respondents has handed over the copy of the enclosures to the enquiry report dated 17.08.2017 to the learned counsel for the petitioner, who has received the same.

5.In the light of the decision of the Constitution Bench of the Supreme Court of India in the case of Managing Director, ECIL Vs. B.Karunakar reported in (1993) 4 SCC, 727, the



petitioner is entitled to make a representation against the findings in the enquiry report and it is incumbent upon the disciplinary authority to consider the same and pass reasoned orders on merits in accordance with law.

6. In view of the aforesaid legal position, no further orders are required in the Writ Petition and the learned counsel for the petitioner has also made an endorsement to that effect. This Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-9.
2. The Director of Elementary Education,
DPI Campus, Chennai-6.
3. The District Elementary Educational Officer,
Pudukottai District, Pudukottai.
4. The Additional Assistant Elementary Educational Officer,
Kandarvakottai, Pudukottai District.
5. The Enquiry Officer,
The Additional Assistant Elementary Educational Officer,
Pudukottai, Pudukottai District.

+ 1 cc TO Mr.T.A.Ebenezer , Advocate in SR No. 88975
+ 1 cc TO The Special Government Pleader in SR No. 89250

ta
AE/SV MMS/SAR1/08.01.2018/3P/8C

W.P. (MD) No. 21028 of 2017
22.11.2017