



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.V. MURALIDARAN

WEB COPY

W.P. (MD) Nos. 9997, 9998 of 2017

and

W.M.P. (MD) Nos. 7651, 7652 & 7653 of 2017

W.P. (MD) No. 9997 of 2017:

R. Rajeswaran,
Head Master,
Panchayat Union Primary School,
Ranisethupuram, Kamuthi Union,
Ramanathapuram District-623 115. ...Petitioner

Vs.

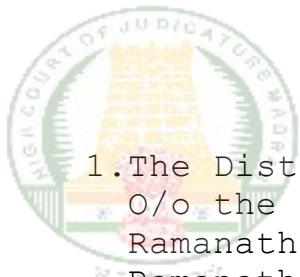
1. The District Elementary Education Officer,
O/o the District Elementary Education Officer,
Ramanathapuram,
Ramanathapuram District.
2. The Additional Assistant Elementary Education Officer,
O/o. The Assistant Elementary Education Officer,
Kamuthi,
Ramanathapuram District-623 604.
3. K. Ravikumar,
The Additional Assistant Elementary Education Officer,
O/o the Assistant Elementary Education Officer,
Kamuthi,
Ramanathapuram District. ...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned Charge Memo in Na.Ka.No.1301/Aa2/2017, dated .05.2017, signed on 11.05.2017 on the file of the respondent No.2 and quash the same as illegal.

W.P. (MD) No. 9998 of 2017:

S. Muthumari,
Head Master In-Charge,
Panchayat Union Primary School,
Asoor, Kamuthi Union,
Ramanathapuram District-626 114. ...Petitioner

Vs.



1.The District Elementary Education Officer,
O/o the District Elementary Education Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Additional Assistant Elementary Education Officer,
O/o. The Assistant Elementary Education Officer,
Kamuthi,
Ramanathapuram District-623 604.

3.K.Ravikumar,
The Additional Assistant Elementary Education Officer,
O/o the Assistant Elementary Education Officer,
Kamuthi,
Ramanathapuram District. ...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned Charge Memo in Na.Ka.No.1092/Aa2/2017, dated .05.2017, signed on 11.05.2017 on the file of the respondent No.2 and quash the same as illegal.

For Petitioner : Mr.T.LajapathiRoy
in both petitions

For Respondents 1&2 : Mr.A.Muthu karuppan
Additional Government Pleader
in both petitions

COMMON ORDER

The petitioners filed these writ petitions for issuance of Writ of Certiorari, to call for records pertaining to the impugned Charge Memos in Na.Ka.No.1301/Aa2/2017 and Na.Ka.No.1092/Aa2/2017, dated .05.2017, signed on 11.05.2017 on the file of the second respondent and quash the same as illegal. Since the issue raised in both petitions are regarding the charge memo issued against the petitioners by the Second respondent, these Writ Petitions are being disposed of by passing common order.

2. The learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent, these writ petitions itself are taken up for final disposal.

3. It is averred in the affidavit of these petitions that the impugned charge memos are issued without jurisdiction by the second respondent, as the first respondent is having jurisdiction to initiate disciplinary proceedings against the petitioners



herein and the second respondent has initiated the departmental proceedings against the petitioners with malice on the sole intention to curtail the activities of the Teachers Association. He further submitted that since the second respondent is not the competent authority to initiate departmental proceedings against the petitioners, the impugned charge memos are liable to be set aside.

4. In view of the averments made in the affidavit filed in support of these Writ Petitions and in view of the submissions made by the learned counsel appearing on behalf of the petitioners, the impugned charge memo issued by the second respondent against the petitioners in Na.Ka.No.1301/Aa2/2017 and Na.Ka.No.1092/Aa2/2017 are set aside and these Writ Petitions are allowed and the matter is remanded back to the second respondent and the second respondent is directed to send the same to the appropriate authorities for fresh consideration. However, liberty is given to the concerned authorities to pass appropriate orders, on merits and in accordance with law, after affording sufficient opportunity to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected petitions are closed.

Sd/-

Vacation Officer

/True Copy/

Sub Assistant Registrar

To

- 1.The District Elementary Education Officer,
O/o the District Elementary Education Officer,
Ramanathapuram,
Ramanathapuram District.
- 2.The Additional Assistant Elementary Education Officer,
O/o. The Assistant Elementary Education Officer,
Kamuthi,
Ramanathapuram District-623 604.

+2CC's tp Mr.T.Lajapathi Roy, Advocate in SR.No.57480 & 57481
+1cc to Special Government Pleader in SR.No.57941

PJL/PSD

AE/MMS/SAR1/01.06.2017/3P/6C

W.P. (MD) Nos.9997 and 9998 of 2017
25.05.2017