



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD].No.476 of 2013

and

M.P. (MD) .No.1 of 2013

A.Maria Selvaraj ... Appellant/Petitioner
Vs.

1.The Correspondent,
R.C.Sirumalar Girls Higher Secondary School,
Usilampatti,
Madurai District.

2.The Director of School Education,
Chennai.

3.The Joint Director of School Education,
(Higher Secondary),
Chennai.

4.The Chief Educational Officer,
Madurai. ... Respondents/Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order passed by this Court, dated 05.04.2013, in WP (MD) No.9502 of 2007.

Prayer in WP (MD) . 9502/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari, calling for the records pertaining to the impugned order of the 1st respondent dated 30.10.2007 and quash the same.

For Appellant : Mr.R.Subramanian
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

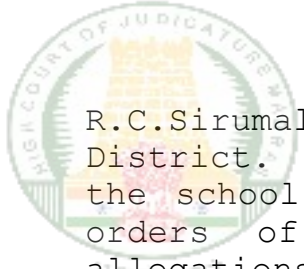
JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN,J.**]

The unsuccessful writ petitioner is on appeal, questioning the order dated 05 April 2013, dismissing the W.P.(MD) No.9502 of 2007.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The writ petitioner was working as an Office Assistant in



R.C.Sirumalar Girls Higher Secondary School, Usilampatti, Madurai District. He was served with a charge memo alleging that he slapped the school employee and also conducted himself in defiance of the orders of the management. The writ petitioner denied the allegations and an Enquiry Officer was appointed. Enquiry Officer submitted his report to the effect that charges 2 to 8 stood proved. The Management had passed an order of suspension from 01 November 2007 to 30 November 2007 and cut the increment for the year 2008-09. The said order was challenged in the writ petition on a few grounds. The learned Single Judge dismissed the writ petition on 05 April 2013. Hence this intra Court appeal has been filed.

3. Heard the learned counsel appearing for the appellant and the learned Additional Government Pleader appearing for the respondents.

4. We may note, at the outset, that the punishment imposed on the appellant is rather minor. The learned counsel appearing for the appellant contended that the enquiry was not conducted in a fair manner and that he was not allowed the facility on being represented by a counsel in the enquiry.

5. The first contention is clearly without any merit. The learned single Judge had perused the original file relating to the domestic enquiry proceedings and noted that the writ petitioner signed the entire enquiry file which runs up to 25 pages. It was seen that the enquiry officer has posed a question before closing the enquiry as to whether the writ petitioner wanted to produce any evidence in support of this case. The writ petitioner has stated that he did not want to produce any evidence and he also signed in the said statement on 31 May 2007. The enquiry file shows that the writ petitioner actually participated in the domestic enquiry without any demur. Therefore his contention that the principles of natural justice are violated cannot be accepted.

6. Similarly, the contention that he was not allowed to engage an advocate and this caused prejudice to him cannot be accepted. In this case, there is no right to have a legal representation in a domestic enquiry. Only if the Presenting Officer is a legally trained person, the delinquent can insist on being represented by a counsel. In the present case, the Presenting Officer was not a legally trained person or a lawyer. Therefore, the request of the appellant does not have any merit.

7. Finding no ground to interfere with the well considered order of the learned single Judge, this appeal stands dismissed. No Costs. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/



To

1.The Director of School Education,
Chennai.

2.The Joint Director of School Education
(Higher Secondary),
Chennai.

3.The Chief Educational Officer,
Madurai.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.65602

+1cc to Mr.R.SUBRAMANIAN Advocate in SR. No.65064

KM/DAS/GSP

JS/GT/SAR.2/10.08.2017/3P-6C

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