

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W. P. NO.12878 of 2018

T.Anbarasi

...Petitioner

Vs.

1. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai 600 006.
2. The District Elementary Educational Officer,
Tirunelveli - 1.
3. The Assistant Elementary Educational Officer,
Kizhapavoor Range, Pavoorchatram 627 087
Tirunelveli District, Tirunelveli.
4. Kamaraj Hindu Primary School,
Karumbanoor 627 851
Kizhapavoor Range,
Tirunelveli District.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 12.05.2018 made for directing the second respondent to recall the charge memo vide Na.Ka.No.1187/A4/2018, dated 29.03.2018 within a time frame as may be fixed by this Hon'ble Court and till such time to defer further action on the same.

For Petitioner : Mr.R.Kamaraj
For Respondents : Mr.K.Karthikeyan,
Govt.Advocate for R1 to R3

O R D E R

Mr. K.Karthikeyan, learned Government Advocate takes notice for the respondents 1 to 3. By consent of both parties, this writ petition is taken up for final disposal.

2. The prayer in the writ petition is for issuance of a Writ of Mandamus directing the first respondent to consider and pass

orders on the petitioner's representation dated 12.05.2018 made for directing the second respondent to recall the charge memo vide Na.Ka.No.1187/A4/2018, dated 29.03.2018 within a time frame as may be fixed by this Hon'ble Court and till such time to defer further action on the same.

3. The learned counsel for the petitioner submitted that the petitioner was working as a Secondary Grade Teacher in the fourth respondent's school from 31.03.1990, which is an aided school from 1990 onwards. At the time of granting aid to the fourth respondent school, only two Secondary Grade Teachers posts were granted and the petitioner was the senior most Secondary Grade Teacher working in the fourth respondent school. The fourth respondent school is under direct payment through 2nd and 3rd respondents. The Headmaster in-charge was retired on 31.05.2016 and being the senior most teacher, the petitioner was functioning as the Headmaster in-charge from 01.06.2016, but, no Headmaster's salary was paid. In the meanwhile, one Vasantha Kumar who was working as a Secondary Grade Teach in Hindu Primary School, Thadiveeran Koil street, Tirunelveli was transferred to the fourth respondent school on 10.12.2016 and there was a misunderstanding between the petitioner and the said Vasantha Kumar and due to enmity the said Vasantha Kumar gave a false complaint against the petitioner and based on the enquiry, the District Elementary Educational Officer, Tirunelveli had issued a charge memo on 29.03.2018 which was signed on 05.04.2018 and served to the petitioner on 30.04.2018. The documents mentioned in Annexure III were not furnished to the petitioner by the District Elementary Educational Officer, Tirunelveli. Hence, the petitioner sent a letter to the second respondent on 03.05.2018 requesting to furnish the same so as to enable the petitioner to submit her explanation. The District Elementary Educational Officer, Tirunelveli or the Assistant Elementary Educational officer, Kizhpavoor Range has limited powers as per the Direct payment order dated 19.08.1994 and the respondents 2 and 3 have no power to initiate any disciplinary proceedings against the petitioner. The charge memo issued only with an oblique motive against the petitioner to safeguard the said Vasantha Kumar. Under these circumstances the petitioner seeks for an interim injunction restraining the respondents from taking further action pursuant to the charge memo dated 05.04.2018

4. Heard the learned Government Advocate also.

5. Considering the facts and circumstances of the case, the prayer of the petitioner to direct the respondents to defer further action is not maintainable as an interim order cannot be passed in this case. The enquiry officer is directed to conduct an enquiry in this regard within a period of six weeks from the

date of receipt of a copy of this order and the petitioner is directed to appear before the enquiry officer and state her explanation and cooperate for the enquiry without taking any unnecessary adjournments. The respondents are directed to give all necessary documents to the petitioner to enable her to put forth her defence if any.

6. With the above direction this writ petition stands dismissed. No costs.

dpq

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai 600 006.
2. The District Elementary Educational Officer,
Tirunelveli - 1.
3. The Assistant Elementary Educational Officer,
Kizhapavoor Range, Pavoorchatram 627 087
Tirunelveli District,
Tirunelveli.

+1cc to Mr.R.Kamaraj, Advocate Sr.No.34059
+1cc to Government Pleader Sr.No.34149

SSD(CO)
sm:30.5.2018

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