



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.02.2018
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 406 of 2018
and
W.M.P. (MD). Nos. 411 & 412 of 2018

S.Vetrivel Chezlian .. Petitioner
Vs.

1.The District Elementary Educational Officer,
O/o.the District Elementary Educational Office,
Virudhunagar,
Virudhunagar District.

2.The Assistant Elementary Educational Officer,
O/o. the Assistant Elementary Educational Officer,
Watrapu Union,
Watrapu,
Virudhunagar District. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for records relating to the impugned charge memo issued by the first respondent in his proceedings in ந.க.எண்.2273/அ.3/2016, dated 20.01.2017 and quash the same as illegal.

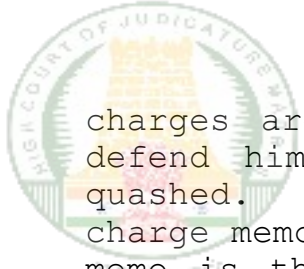
For petitioner : Mr. Ajmal Khan,
Senior Counsel for
M/s.Ajmal Associates
For respondents : Mr.S.Srimathy,
Special Government Pleader

O R D E R

Heard the learned Senior Counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is working as B.T. Assistant (English) in Panchayat Union Middle School, Kunnur, Virudhunagar District. The petitioner has been issued with the impugned charge memo dated 20.01.2017. It contains as many as of 12 articles of charge. It is seen that imputation of misconduct were not furnished. This Court went through all the articles of charge. No particulars and details have been given. Even dates have not been mentioned. If the



charges are vague, the delinquent will not be in a position to defend himself. That is why charge memos, which are vague, are quashed. This Court is of the considered view that the impugned charge memo suffers from the vice of vagueness. The impugned charge memo is therefore quashed. Liberty is given to the disciplinary authority to issue a fresh charge memo by incorporating sufficient details, if so advised.

4. The Senior Counsel appearing for the petitioner on instructions submits that the petitioner is not being allowed to join duty. He calls upon this Court to direct the respondents to permit the petitioner to join duty. He would also submit that the petitioner shall give a letter expressing his sincere regret and apology. It is without prejudice to his defence. This would not be considered to mean that the writ petitioner admits the allegation made against him. This letter is given more to facilitate an atmosphere of cooperation and to generate good will.

5. With this liberty, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Elementary Educational Officer,
O/o. the District Elementary Educational Office,
Virudhunagar,
Virudhunagar District.
2. The Assistant Elementary Educational Officer,
O/o. the Assistant Elementary Educational Officer,
Watrapu Union,
Watrapu,
Virudhunagar District.

+1cc to Special Government Pleader, SR.No. 48600
+1cc to M/S.Ajmal Associates, Advocate SR.No. 48029

ORDER MADE IN
W.P. (MD) No. 406 of 2018
12.02.2018