



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17162 of 2014andM.P(MD)No.1 of 2014 and 1 of 2015

B.Adeline Gladis

... Petitioner

Vs.

1.The Director of School Education,
D.P.I Campus, College Road,
Nungambakkam,
Chennai - 600 006.

2.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

3.The District Educational Officer,
Nagercoil,
Kanyakumari District.

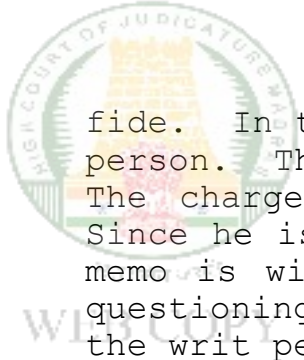
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned charge memo issued by the 1st respondent in Na.Ka.No.28253/C1/E3/2014 dated 16.5.2014 and the subsequent order issued by the 1st respondent appointing an enquiry officer in Na.Ka.NO.28253/C1/E3/2014, 25.9.2014, quash the same and consequently direct the respondents to allow the petitioner to continue as Headmaster in the same School.

For Petitioner : Mr.M.Siddharthan
For Respondents : Mrs.S.Srimathy
Spl. Govt. Pleader

***O R D E R

The petitioner is working as Headmaster. In this writ petition, the petitioner questions the issuance of charge memo dated 16.05.2014. The subject matter of the charge memo pertains to infliction of corporal punishment by the writ petitioner on a student.



fide. In this case, the petitioner has not arrayed any authority in person. Therefore, the allegation of mala fide cannot be gone into. The charge memo was issued by the Director of School Education. Since he is a superior authority, it cannot be said that the charge memo is without jurisdiction. Therefore, none of the grounds for questioning the impugned charge memo are sustainable. Therefore, the writ petition is liable to be dismissed.

3. The learned counsel appearing for the writ petitioner submits that the writ petitioner is due to retire very shortly. He also points out that the parents of the concerned student did not even press the complaint. More than anything else, the criminal prosecution against the writ petitioner ended in acquittal. More than four years have gone by. The petitioner is due for retirement. Therefore, the first respondent has to definitely give a fresh look at the entire matter. The first respondent is directed to take a decision as to whether to continue the disciplinary action initiated against the petitioner or not. Such a decision will be taken within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education,
D.P.I Campus, College Road,
Nungambakkam,
Chennai - 600 006.

2. The Chief Educational Officer,
Nagercoil, Kanyakumari District.

3. The District Educational Officer,
Nagercoil, Kanyakumari District.

+1CC to M/s.P.Kalaiyarasi Bharathi, Advocate, SR.No. 53271

+1CC to the Special Government Pleader SR.No.53304

W.P.(MD)No.17162 of 2014

and

M.P(MD)No.1 of 2014 and 1 of 2015

05.03.2018