



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.17717 of 2018

and

W.M.P (MD) No.15597 of 2018

Dr.R.Ramanathan,
Assistant Professor in Physics,
Government Arts College,
Kulithalai-639 120,
residing at
173, East Uthra Street,
Srirangam - 620 006.

..Petitioner

Vs

1. The Director of Collegiate Education,
E.V.K.Sampath Buildings,
College Road,
Chennai - 600 006.

2. The Joint Director of Collegiate Education (F)
E.V.K.Sampath Buildings, ,
College Road,
Chennai - 600 006.

3. The Principal,
Government Arts College,
Kulithalai - 639 120.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to give documents as requested for in the Petitioner's letter, dated 11.06.2018 within the time stipulated by this Court.

For Petitioner

:Dr.R.Ramanathan
Party-in-person

For Respondents
1 to 3

:Mr.K.Mu.Muthu,
Addl.Govt.Pleader

**ORDER**

The Petitioner has come forward with this Writ Petition seeking a direction to the first respondent to give documents as requested by the Petitioner's letter vide dated 11.0.2018 within the time stipulated by this Court.

2.The sum and substance of the Petitioner's case is that the Petitioner is in need of certain documents that are relied upon by the respondents for enquiry, in order to dispose the charges levelled against the Petitioner, as the charges framed against the Petitioner under Rule 17(a)/ minor misconduct have been converted into one of major misconduct under Rule 17(b) and after withdrawing the charges framed under Rule 17(a). It is the case of the Petitioner that in the communication, dated 7.10.2015, even the conversion of major charges have subsequently been withdrawn.

3.The case of the respondents is that the Petitioner is not co-operating with the enquiry and since he has given trouble to the Enquiry Officer, the Enquiry Officer has returned the papers relating to the investigation.

4.It is seen that the issue on hand is with regard to the conduct of enquiry and non-furnishing of documents regarding certain charges. Though the Petitioner has stated that he is willing to participate in the enquiry proceedings, the stand of the respondent is that he is not co-operating with the proceedings of the enquiry.

5.Upon hearing the submission on both sides and on a perusal of the material papers filed along with this Writ Petition, this Court is inclined to issue the following directions:

(a)The respondents are directed to furnish the necessary documents to the Petitioner that are relied upon by them in order to establish the charges.

(b)If the documents sought for by the Petitioner, if available to disprove the charges, will have to be furnished to the Petitioner.

(C)The document, dated 07.10.2018 issued by the Principal, Government Arts College, Kulithalai and also the document dated 11.8.2018 shall have to be looked into by the Disciplinary Authority, while proceeding with the enquiry. The enquiry shall be conducted on day-to-day basis without adjourning the matter beyond seven working days at any point of time.

(d)It is needless to mention here that since it was averred that the Petitioner is not co-operating with the enquiry, the proceedings shall be video-graphed so as to give a quietus to the issue raised in the Writ Petition.

(e) It is needless to mention that the Petitioner can approach this Court only after passing of final orders and shall not intermittently approach this Court to stall the proceedings.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Director of Collegiate Education,
E.V.K.Sampath Buildings,
College Road,
Chennai - 600 006.
2. The Joint Director of Collegiate Education (F)
E.V.K.Sampath Buildings, ,
College Road,
Chennai - 600 006.
3. The Principal,
Government Arts College,
Kulithalai - 639 120.

+3cc to Mr.R.Ramanathan, Advocate Sr.No.79417

+1cc to Spl.Government Pleader Sr.No.79676

VSN

VB/RP/SAR1/01.10.2018/3P/8C

ORDER MADE IN
W.P (MD) No.17717 of 2018
and
W.M.P (MD) No.15597 of 2018
21.08.2018