



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
W.P.(MD) No.21089 of 2018

and

W.M.P.(MD) Nos.18884 & 18885 of 2018

N.Gunasekaran

... Petitioner

vs.

1.Chief Education Officer
Thanjavur District, Thanjavur

2.The Director
Vigilance & Anti-Corruption Department
PS Kumaraswamy Raja Salai
Rajaannamalai Puram
Chennai 600 028

3.District Elementary Education officer
Orthanadu, Thanjavur

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records relating to the impugned order passed by the first respondent herein in his proceedings Na.Ka.No.1667/Aa/2018 dated 28/09/2018 and quash the same and consequently direct the first respondent herein to allow the petitioner to continue his service till the end of this academic year i.e.2018-19.

For Petitioner : Mr.R.Suresh Kumar

For Respondents : Mrs.S.Srimathy

Special Government Pleader

O R D E R

The petitioner has challenged the impugned charge memorandum, dated 28.09.2018, issued against him, by the first respondent, on the basis of the following grounds raised in this writ petition:

"i) The petitioner submits that, all the allegations mentioned in the charge memo are very flimsy and frivolous and does not even amount to a misconduct as per the service rules. The petitioner has been taken to task only for preferring a complaint against his Higher officials for corruption.

ii) The impugned order is issued with a malafide intention and the same is liable to be set aside.

iii) The respondents have given extension of



service to person against whom Vigilance and Anti-corruption charges are pending. But, the petitioner's claim has not been considered."

2. From the above, it could be seen that the challenge to the charge memorandum cannot be sustained at all as the grounds do not merit any serious consideration in order to interfere with the charge memorandum. It is needless to mention that challenge to the charge memorandum can be successfully made only on certain limited grounds, namely, without jurisdiction, vagueness etc. However, it cannot be challenged on the basis of the factual averments. Though *mala fide* has been attributed behind the issue of charge memorandum, however, the averments do not clinchingly point towards establishing such *mala fide* intention on the part of the official, who issued the impugned charge memorandum. In the absence of any worthwhile material to assail the impugned charge memorandum, a bald affidavit has been filed challenging the same.

3. For the above said reasons, this Court is of the view that there is no merit in the writ petition and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/

Deputy Registrar(Accounts)

/True copy/

Sub Assistant Registrar(CS-IV)

To:

- 1.The Chief Education Officer,
Thanjavur District, Thanjavur.
- 2.The Director,
Vigilance & Anti-Corruption Department,
P.S.Kumaraswamy Raja Salai,
Rajaannamalai Puram, Chennai 600 028.
- 3.The District Elementary Education Officer,
Orathanadu, Thanjavur.

+1cc to Mr.R.SURESHKUMAR, Advocate, SR.No. 89783
+1cc to M/s.Special Government Pleader, SR.No. 90281

W.P. (MD) No.21089 of 2018
and

W.M.P. (MD) Nos.18884 & 18885 of 2018
09.10.2018

KRK

KK/SV/SAR-4/09.11.2018/2P-6C