

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.02.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.7415 & 12478 of 2018

and

W.M.P.Nos.9214, 9215, 14619 & 14620 of 2018

S.Valarmathi

..Petitioner in both W.Ps

vs

1.The State of Tamil Nadu

Rep.by its Principal Secretary to Government,
School Education Department
Secretariat, Fort St.George,
Chennai - 600 009

2.The Director of School Education,

DPI Campus, College Road
Chennai - 600 006

..Respondents in both W.Ps

Prayer in W.P.No.7415 of 2018:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the relating to the impugned proceedings issued by the 2nd respondent in Na.Ka.No.56315/ A1/E2/2016-1 dated 8.3.2018 and the subsequent order of suspension issued by the 1st respondent in G.O.(1D) No.143, School Education [SE1(2)] Department dated 22.3.2018 and to quash the same and consequently direct the respondents to allow the petitioner to retire from service on the date of superannuation on 31.3.2018 from the Post of District Educational Officer with all consequential and other attendant benefits.

Prayer in W.P.No.12478 of 2018:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 1st respondent in G.O.(1D) No.168 School Education (SE1 (2) Department dated 28.03.2018 and to quash the same and consequently direct the respondents to allow the petitioner to retire from service on the date of superannuation on 31.03.2018 from the post of District Educational Officer with all consequential and other attendant benefits.

For Petitioner : Mr.S.Nedunchezhiyan(in both W.Ps)

For Respondents : Mr.A.Rajaperumal
Additional Government Pleader
(in both W.Ps)

C O M M O N O R D E R

Based on the report submitted by the Director of Vigilance and Anti-Corruption dated 28.03.2017, an order of suspension was issued, placing the writ petitioner under suspension in G.O. (1D).No.143, School Education [SE1(2)] Department dated 22.3.2018.

2.The report of the Director of Director of Vigilance and Anti-Corruption, which reads as under:-

"During the academic year 201617, Tmt.S.Valarmathi, DEO, Pattukkottai, formerly HM, GGHSS, Pattukkottai collected excess fees Rs.7,80,300/- without any receipt from 1145 new admission students. And Tmt.T.Manikeshwari, HM, GGHSS, Pattukkottai collected excess fees of Rs.5,06,100/- without any receipt from the 714 old students. The Headmistress failed to deposit in the school bank accounts and spent the amount in various heads independently. Both of them, violated the Government G.Os and circulars of the Director of School Education, Chennai and CEO, Thanjavur and failed to maintain proper accounts for the collection of excess fees from new and old students."

3.On a perusal of the allegation against the writ petitioner, this Court is of an undoubted opinion that the allegations are in relation to the misappropriation of public funds and certainly serious in nature, warranting an enquiry.

4.The writ petitioner was placed under suspension only on 22.03.2018 and now 11 Months had lapsed. In view of the fact that the allegations are in relation to the misappropriation of funds of the School, this Court is of an opinion that the disciplinary proceedings initiated must be proceeded with and the same should be concluded at the earliest possible.

5.This Court is of the considered opinion that on initiation of disciplinary proceedings, the authorities competent must ensure that all such proceedings are concluded within a reasonable period of time and without causing any undue delay.

6.In the present case on hand, the charge memo was issued

against the writ petitioner on 08.03.2018 itself. The misappropriation of the funds are running to several Lakhs and the funds are misappropriated from the Government School.

7.This being the seriousness of the allegations set out against the writ petitioner even in the charge memo. The petitioner has to establish her innocence by producing the documents and by adducing evidences before the competent authorities. During the course of enquiry and before the disciplinary authority by availing the opportunities to be provided under the rules, it is left open to the writ petitioner to submit her explanations and defend her case in the manner known to law.

8.It is made clear that in the event of any further delay, the respondents are bound to review the order of suspension periodically with reference to the Government orders issued in this regard. However, the fact remains that the charge memo has already been issued on 08.03.2018 and the disciplinary authorities are bound to proceed with the enquiry, conclude the same as expeditiously as possible.

9.The learned counsel for the writ petitioner states that the writ petitioner had already attained the age of superannuation and not allowed to retire from service. Her services were already extended under the fundamental rules.

10.This being the factum, the order of suspension cannot be revoked till the disposal of the departmental disciplinary proceedings by the competent authorities.

11.With these observations, both the writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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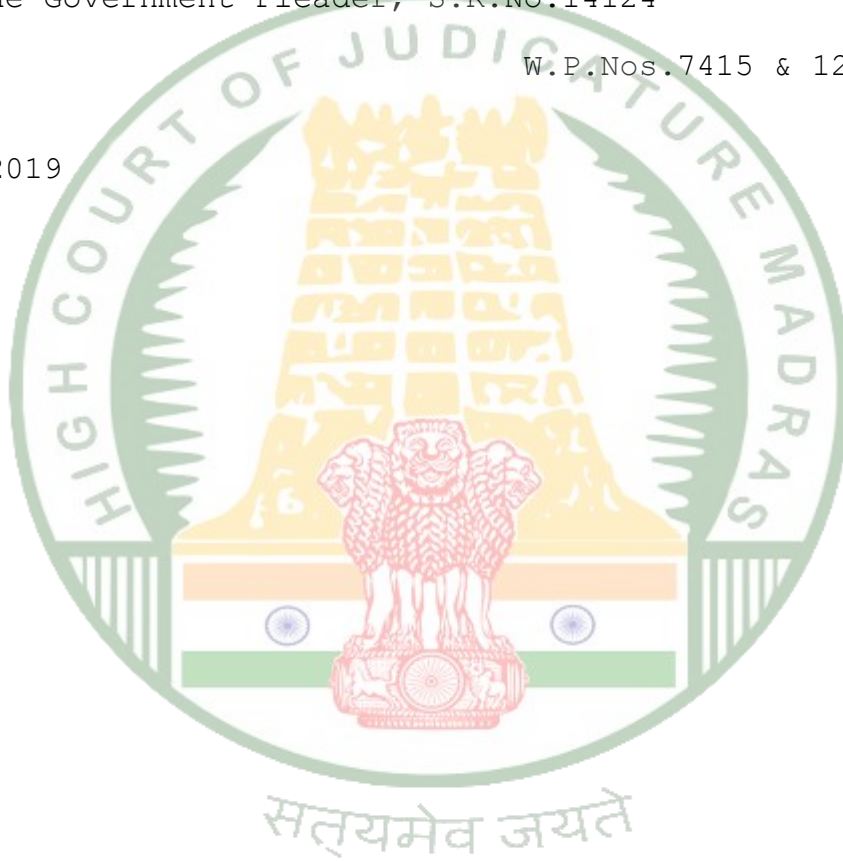
To

1. The Principal Secretary to Government,
School Education Department
Secretariat, Fort St.George,
Chennai - 600 009
2. The Director of School Education,
DPI Campus, College Road
Chennai - 600 006

+1cc to Mr.G.Sankaran, Advocate, S.R.No.13823
+1cc to the Government Pleader, S.R.No.14124

W.P.Nos.7415 & 12478 of 2018

VGII(CO)
CS/04/03/2019



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