



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A(MD)NO.844 OF 2019

and

C.M.P(MD)No.7224 of 2019

Gnana Thangaraj

:Appellant/Petitioner

.vs.

- 1.The Chief Educational Officer,
Thoothukudi District.
- 2.The District Educational Officer,
Kovilpatti.
- 3.The Secretary,
Nadar High School,
Karisalkulam,
Vilathikulam Taluk,
Thoothukudi District.
- 4.A.Shanmugaraj
Secretary,
Nadar High School,
Karisalkulam,
Thoothukudi District.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.24050 of 2015, dated 4.7.2017.

Prayer in WP(MD) . 20450/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned charge memo issued by the 3rd respondent dated 30.09.2015 and quash the same.

For Appellant

:Mr.T.A.Ebenezer

For Respondents
1 and 2

:Mrs.S.Srimathy
Special Govt.Pleader

**JUDGMENT**

[Judgment of the Court was made by **K. RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order of the Writ Court closing the Writ Petition filed by the Writ Petitioner, wherein, the challenge made was against the charge-memo, dated 30.09.2015.

2. Heard the learned counsel for the appellant and perused the materials placed before this Court.

3. It is seen that when the Writ Petition was filed challenging the charge-memo and the same is pending, though initially stay was granted against the charge-memo by the Writ Court, in Writ Appeal, the Division Bench stayed the interim order granted by the Writ Court. In effect, the stay granted against the charge-memo was vacated. Consequently, the management proceeded with the enquiry proceedings and conclude the departmental enquiry. It is seen that the management has issued a communication, dated 17.3.2016 seeking permission from the Department to impose punishment on the Writ Petitioner based on the report filed by the Enquiry Officer. Taking note of the above subsequent developments, the Writ Court closed the Writ Petition by holding that no further adjudication needs to be entertained in respect of the Writ Petition filed challenging the charge-memo.

4. The learned counsel appearing for the appellant though raised very many contentions on the merits of the matter, more particularly, by contending that the Petitioner has already attained the age of superannuation and the proceedings cannot be allowed to go on, we are not inclined to accept any of such contentions at this stage, as it is always open to the Writ Petitioner to raise all the contentions, once final order is passed by the Disciplinary Authority. Needless to say that all the grounds raised challenging the charge-memo can also be raised at the time of challenging final orders.

5. Therefore, granting such liberty to work out his remedy once final order is passed, this Writ Appeal is disposed of without expressing any view on the merits of the claim made by the Writ Petitioner/appellant. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar (CS)



To

- 1.The Chief Educational Officer,
Thoothukudi District.
- 2.The District Educational Officer,
Kovilpatti.

+1 CC to Mr.T.A.EBENEZER, Advocate SR-81413.

JUDGMENT MADE IN
W.A(MD) NO.844 OF 2019
and
C.M.P(MD) No.7224 of 2019

09.08.2019

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