



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2019

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

**W.A. (MD)No.1434 of 2019
and
C.M.P. (MD)No.11628 of 2019**

A.Ravikumar ... Appellant/Petitioner

Vs.

1.The Director of School Education,
Chennai-6.

2.The Chief Educational Officer,
Thanjavur.

... Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.(MD)No.13538 of 2014, dated 26.08.2019, on the file of this Court.

Prayer in WP(MD). 13538/ 2014 :

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 relating to the impugned order passed by the 1st Respondent, the director of school education, Chennai- 06. dated 9.07.2014 in Na.ka. No. 336/C1/E3/2013 and quash the same.

For Appellant : Mr.M.Siddharthan

For Respondents : Mrs.S.Srimathy
Special Government Pleader

JUDGMENT

(Judgment of this Court was made by **M.DURAI SWAMY, J.**)

Challenging the order passed in W.P.(MD)No.13538 of 2014, the writ petitioner has filed the above Writ Appeal.



2. The petitioner filed the writ petition to issue a Writ of Certiorari to call for the records relating to the order passed by the first respondent dated 09.07.2014 and quash the same. The order impugned in the writ petition is the charge memo issued by the first respondent to the writ petitioner.

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3. The learned Single Judge, by order dated 26.08.2019, taking into consideration the case of both parties, dismissed the writ petition holding that the writ petition filed on merits cannot be considered in the writ petition and the explanations/objections with reference to the allegations set out in the charge memo cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. However, the learned Single Judge observed that all such issues disputed are to be adjudicated before the competent authority by producing documents and by adducing evidence.

4. Since it is a settled position that the allegations set out in the charge memo cannot be adjudicated in a writ proceedings, the learned Single Judge has rightly dismissed the writ petition. We do not find any error or irregularity in the order passed by the learned Single Judge.

5. The learned Counsel for the appellant submitted that the appellant may be furnished with the documents to be relied upon by the respondents.

6. Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents submitted that the respondents would furnish all the documents to the appellant/writ petitioner at the time of enquiry.

7. In view of the submission made by the learned Special Government Pleader, we do not find that any further direction need to be issued to the respondents.

8. For the reasons stated above, the Writ Appeal is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Director of School Education,
Chennai-6.

2.The Chief Educational Officer,
Thanjavur.

+1 CC to M/s.M.SIDDHARTHAN, Advocate (SR-103193[F] dated 03/12/2019

+1 CC to M/s.SPL GP (SR-103429[F] dated 04/12/2019)

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03.12.2019

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