

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.33072 of 2013

and

M.P.No.1 of 2013

A.Munavar Batha

.. Petitioner

- Vs -

The Secretary & Correspondent,
Quaide Milleth College for Men,
Medavakkam, Chennai 601 302.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari, calling for records relating to the order passed by the respondent in its proceeding bearing No.QMC/DP/1010 dated 29.11.2013 and quash the same.

For Petitioner : No appearance

For Respondents: No appearance

ORDER

It is the case of the petitioners is that the petitioner is a teaching staff in the respondent college. He is the secretary of an association, viz., Association of University Teacher" (AUT) against which the respondent is inimical. In the year 2013, students of the college had gone in for sit in strike in support of one Mrs. Selvi, a Class-IV staff of the college who had alleged that she had faced sexual harassment at the hands of the college principal and office superintendent. Thereafter, the respondent had intended to utilize the opportunity to take vengeance on the members of AUT. The respondent had obtained statement as if the petitioner and few others had incited the students to indulge in such strike. On receiving such

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statements, the respondent had issued a memo to the petitioner calling upon him to explain. Challenging the said impugned memo passed by the respondent in its proceeding bearing No.QMC/DP/1010 dated 29.11.2013, he approached this Court by filing this Writ petition with the above said prayer.

3. There was no representation on behalf of the petitioner as well as the respondent.

4. In view of the fact that the writ petition is of the year 2013, this Court, on the basis of the materials available on record, is inclined to consider the same and dispose of the case on merits.

5. On perusal of the impugned order reveals that explanation was called for from the petitioner on the basis of the complaint received from the student. Accordingly the petitioner submitted his reply on 21.10.2013 and the same was received by the respondent college on 22.10.2013. However the respondent college, not satisfied with the petitioner's explanation, decided to proceed with the matter further. A perusal of the records reveal that the petitioner has merely been called to explain as to why charges should not be framed against him by initiating proceeding. The present writ petition has been filed to quash the above notice.

6. It is to be pointed out that even against a charge memo, the courts are circumspect to interfere at that stage. In the present case, no charge memo has been issued, but only a view has been expressed by the respondent as to why charge should not be framed against the petitioner and proceed further. In such circumstances, the prayer of the petitioner cannot be acceded to as the respondents cannot be precluded from issuing a charge memo and conducting an enquiry.

7. For the reasons aforesaid, nothing survives for adjudication in this petition and, accordingly, the same is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

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To

The Secretary & Correspondent,
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Medavakkam, Chennai 601 302.

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