

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NO.18947 OF 2020

AND

W.M.P.NO.23508 OF 2020

T.S.Sam Dhas

... Petitioner

-Vs-

1. The Joint Director of School Education,
(Personnel),
College Road, Chennai-6.

2. The Chief Educational Officer,
Vellore,
Vellore District.

3. The District Educational Officer,
Vellore,
Vellore District.

4. The Block Educational Officer,
Kaniyampadi.

... Respondents

Prayer :

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the first respondent in Na.Ka.No.32936/A4/E2/2020 dated 28.11.2020, served on 05.12.2020 and quash the same and consequently, direct the respondents to furnish the documents contained in Annexure III and IV of the charge memo issued to the petitioner in Na.Ka.No.32936/A4/E2/2020 dated 17.10.2020, so as to enable the petitioner to submit his explanation to the charge memo.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.C.Munusamy, SGP (Edn.)

O R D E R

This writ petition has been filed to call for the entire records connected with the impugned order passed by the first respondent in Na.Ka.No.32936/A4/E2/2020 dated 28.11.2020, served on 05.12.2020 and quash the same and consequently, direct the respondents to furnish the documents contained in Annexure III and IV of the charge memo issued to the petitioner in Na.Ka.No.32936/A4/E2/2020 dated 17.10.2020, so as to enable the petitioner to submit his explanation to the charge memo.

2. The petitioner herein is challenging the rejection of the request of the petitioner for furnishing of certain documents demanded by him in order to enable him to submit his explanation to the charge memo dated 17.10.2020.

3. This Court has perused the rejection order which is impugned in the writ petition which merely states that the petitioner would be given an opportunity to peruse the documents during the course of the enquiry. In any case, the charge like the above one, is perfectly within the knowledge of the petitioner and without any document being furnished, it is always possible for the petitioner to explain as to whether he has contracted second marriage at all when the first marriage was subsisting. Instead of giving explanation, only with a view to drag the enquiry proceedings, the present writ petition has been filed as if not furnishing all the documents, would result in violation of the established principles of natural justice.

4. The learned counsel for the petitioner has vehemently submitted about the action of the respondents in not furnishing the relevant documents to the petitioner would amount to violation and would vitiate the enquiry itself.

5. This Court is unable to appreciate the arguments of the learned counsel for the petitioner for the simple reason that the charge is not very complex as it can be understood without the assistance of any documents. The charge against the petitioner is that whether he has contracted second marriage at all or not. It is well within his knowledge of the petitioner to submit his explanation and in case, he requires any additional documents to substantiate his defence, the petitioner was informed by the respondent that he would be given an opportunity to peruse the documents in the course of the enquiry.

6. This Court finds that the authority has left it open to the petitioner to peruse the documents at the time of enquiry. In such view of the matter, this Court does not think that there is any grave violation of principles of natural justice. On the other hand, this Court is of the view that the petitioner with

an ill motive to stall the departmental proceedings, has filed this writ petition for achieving his own ends.

7. Therefore, this writ petition is devoid of merits and hence dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gsk

To

1. The Joint Director of School Education,
(Personnel),
College Road, Chennai-6.
2. The Chief Educational Officer,
Vellore, Vellore District.
3. The District Educational Officer,
Vellore, Vellore District.
4. The Block Educational Officer,
Kaniyampadi, Vellore.

+lcc to Mr.S.N.Ravichandran, Advocate, S.R.No.41462
+lcc to the Government Pleader, S.R.No.41711

W.P.No.18947 of 2020 and
W.M.P.No.23508 of 2020

UM(CO)
CS/17/02/2021