



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.18604 OF 2015

C.M.Sivababu,
President,
Tamil Desiya Makkal Katchi,
180/32 Iyyakannu Mudaliar Street,
Tiruvannamalai- 606 601

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its the Secretary to State
Education Department,
Fort St. George,
Chennai.
2. The District Collector,
Vengikkal,
Collector's Office,
Tiruvannamalai.
3. The Chief Educational Officer,
Chief Educational Office,
Tiruvannamalai.
4. The Head Master,
Arattavadi Panchayat Union Middle School,
Arattavadi Village,
Chengam Taluk,
Tiruvannamalai District.
5. Rajavel
Science Teacher,
Arattavadi Middle School,
Arattavadi,
Chengam Taluk,
Tiruvannamalai District.

...Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent authorities to initiate appropriate Legal proceedings against the 5th respondent and his Associates in view of the petitioner's representation dated 19.09.2014.

For Petitioner : Mrs.Karthikaa Ashok

For Respondents 1 to 3 : Mr.M.S.Arasa Kumar
Government Advocate.
(Education)

For Respondent 5 : Mr.Dalit Tiger Ponnusamy

For Respondent 4 : No appearance.

O R D E R

The relief sought for in the present Writ Petition is to direct the authorities to ensure appropriate legal action against the 5th respondent based on the representation dated 19.09.2014.

2. The learned counsel for the petitioner made a submission that complaint was made to all the authorities stating that the 5th respondent has committed certain illegalities as a Government employee. The 5th respondent is working as a teacher and further involved in an Association activities of WARM.

3. The learned counsel for the petitioner states that the 5th respondent is getting benefit from and out of WARM and receiving a Government salary. More specifically, the 5th respondent is receiving a salary both from the said Association and from the Government.

4. The learned counsel for the 5th respondent disputed the said contention by stating that before getting appointment as a School Teacher, the 5th respondent was working with the said Association and after appointment as a Teacher in the Government School, he was now way connected with the said Association and therefore the allegations made against the 5th respondent is false.

5. It is contended by the learned counsel for the 5th respondent that the 5th respondent has not committed any such illegalities and he is working as a teacher and getting Government salary by abiding Conduct Rules and Service Rules in force.



6. This Court is of the considered opinion that, an elaborate adjudication cannot be considered in respect of such allegations made against the public servant, who is a teacher. In the present case, the authorities competent are bound to conduct an enquiry and initiate appropriate action.

7. Under these circumstances, the 3rd respondent / the Chief Educational Officer, Chief Educational Office, Tiruvannamalai, is directed to conduct an enquiry with reference to the complaint made by the petitioner and take decision on merits and in accordance with law. The petitioner is at liberty to submit a copy of the representation with all relevant documents to the 3rd respondent. The 5th respondent is also at liberty to submit his explanations / documents to establish his case. The 3rd respondent is directed to complete the said exercise within a period of three months, from the date of receipt of a copy of this order.

8. With these directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

shr/kan

To

1. The State of Tamil Nadu,
Rep. by its the Secretary to State
Education Department,
Fort St. George, Chennai.
 2. The District Collector,
Vengikkal, Collector's Office,
Tiruvannamalai.
 3. The Chief Educational Officer,
Chief Educational Office,
Tiruvannamalai.
 4. The Head Master,
Arattavadi Panchayat Union Middle School,
Arattavadi Village,
Chengam Taluk, Tiruvannamalai District.
- +1cc to M/s.J.Ashok, Advocate, S.R.No.65074
+3ccs to M/s.Dalit Tiger Ponnusamy, Advocate, S.R.No.64938

W.P.No.18604 of 2015

PL(CO)

RLP(27/12/2021)