



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P.No.12699 of 2021
and W.M.P.No.13493 of 2021

M.H.Mueedur Rahman

.. Petitioner

Versus

1. The Principal Secretary,
Department of School Education,
Government of Tamil Nadu,
St. George Fort,
Secretariat,
Chennai - 600 009.
2. The Director,
Directorate of School Education,
DPI Complex,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Vellore - 632 001.
Vellore District.
4. The District Educational Officer,
Vellore - 632 001.
Vellore District.
5. The Correspondent,
Islamiah Higher Secondary School,
Pernambut - 635 810,
Vellore District.
6. M.Nisar Ahmed,
The Correspondent,
Islamiah Higher Secondary School,
Pernambut - 635 810,
Vellore District.
7. Mr.A.Humayun Basha,
Headmaster - Incharge,
Islamiah Higher Secondary School,
Pernambut - 635 810,
Vellore District.

.. Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 5th respondent to consider the petitioner's representation dated 03.06.2021 with regard to furnishing of the certified copies of the documents which were mentioned in the Charge Memo in RC. No:F3/61/2020-21 dated 28.5.2021 to the petitioner forthwith.

For Petitioner : Mr.V.Manohar

For Respondents : Mr.C.Kathiravan
Government Advocate for R1 to R4

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the 5th respondent to consider the petitioner's representation dated 03.06.2021 with regard to furnishing of the certified copies of the documents which were mentioned in the Charge Memo in RC. No:F3/61/2020-21 dated 28.5.2021 to the petitioner forthwith.

2.The petitioner joined the 5th respondent School as Management Staff during 2009 as he was appointed as B.T. Assistant - English on 05.07.2010. While the petitioner was in service, there were some issues between the petitioner and the Management as it is seen from the nature of averments found in the affidavit filed in support of the petition. Earlier, the 5th respondent issued a Show Cause Notice to the petitioner. Thereafter, the 5th respondent issued Charge Memo by proceedings dated 28.05.2021. It is the case of the petitioner that the Charge Memo is untenable and based on false allegations with malafide intentions. It is also case of the petitioner that the 5th respondent has not furnished the documents which were relied upon in the Charge Memo. Therefore, the petitioner submitted a representation on 03.06.2021 to the respondents, particularly, the 6th respondent, to furnish copies of the documents which were relied upon in the Charge Memo, so that, the petitioner would be able to defend himself as against the Charge Memo. The representation dated 03.06.2021 has also been sent to the 6th respondent. It is stated that the 6th respondent has the copies of the documents and he has to consider the representation to furnish the copies of the documents referred to in the Charge Memo.

3.Considering the nature of the grievances expressed by the petitioner, this Court is inclined to dispose of the writ petition with a direction to the 6th respondent to consider the representation of the petitioner dated 03.06.2021 and furnish the copies of the documents if they have not been furnished to the petitioner earlier.



4. Accordingly, this writ petition is disposed of with a direction to the 6th respondent to consider the representation dated 03.06.2021 to furnish the copies of the documents that were referred to in the Charge Memo issued to the petitioner. Till, the representation of the petitioner is considered or the documents are furnished to the petitioner if the petitioner is found eligible to get, the respondent shall not proceed further. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Principal Secretary,
Department of School Education,
Government of Tamil Nadu,
St. George Fort, Secretariat,
Chennai - 600 009.
2. The Director,
Directorate of School Education,
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Chennai - 600 006.
3. The Chief Educational Officer,
Vellore - 632 001.
Vellore District.
4. The District Educational Officer,
Vellore - 632 001.
Vellore District.

+1cc to Mr.V.Manohar, Advocate, S.R.No.28048

+1cc to the Government Pleader, S.R.No.28154

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GPL(CO)
HS(14/07/2021)