



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20682 of 2021

and

W.M.P.Nos.21948 & 21949 of 2021

(Through Video Conferencing)

Mrs.D.Gajalakshmi

... Petitioner

Vs

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Nungambakkam, Chennai - 600 006.
- 2.The Chief Educational Officer,
Nagapattinam, Nagapattinam District.
- 3.The District Educational Officer,
Nagapattinam, Nagapattinam District.
- 4.The Block Educational Officer,
Vedaranyam, Vedaranyam Taluk,
Nagapattinam District.
- 5.The Secretary,
Vinayagar Aided Elementary School,
Pandarathankadu, Pushpavanam Post,
Vedaranyam Taluk, Nagapattinam District.
- 6.T.Vairavanathan,
Enquiry Officer,
No.9, Vallar Nagar,
Public Office Road,
Velipalayam, Nagapattinam Town & Taluk,
Nagapattinam District.
- 7.Suresh Kumar,
Mugavar/Correspondent,
Vinayagar Aided Elementary School,
Pandarathankadu, Pushpavanam Post,
Vedaranyam Taluk, Nagapattinam District.



8.K.Vasantha,
The Secretary,
Vinayagar Aided Elementary School,
Pandarathankadu, Pushpavanam Post,
Vedaranyam Taluk, Nagapattinam District. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the exparte enquiry report of the sixth respondent in Na.Ka.No.26 dated 19.08.2021 and quash the same.

For Petitioner : Mr.S.Conscious Ilango
for Mr.V.Kasinatha Bharathi
For Respondents:
For R1 to R4 : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The petitioner has challenged in this writ petition the enquiry report of the sixth respondent on the ground that the sixth respondent is a Legal Advisor/Counsel for the fifth respondent School. In this connection, a reference has been made to the decision of this Court rendered on 09.01.2020 in W.P.No.7227 of 2018, wherein, in Paragraph 9, the learned Single Judge of this Court while disposing the writ petition has interfered. It is noticed that the service of the petitioner was earlier terminated pursuant to a charge memo dated 29.06.2020.

2. The petitioner had challenged the aforesaid termination before this Court in W.P.No.5395 of 2021 which came to be disposed by an order dated 08.03.2021 on the strength of an undertaking given by the learned standing counsel for the fifth respondent School. While disposing the writ petition, this Court observed that the respondents can proceed with the departmental proceedings.

3. It is the case of the petitioner that the petitioner is being victimized as the petitioner's husband was earlier in the School Management Committee and after he demitted the Office, the petitioner is being harassed by the present Management of the fifth respondent.

4. Though the learned counsel for the petitioner has relied on the decision of this Court of the learned Single Judge of this Court in W.P.No.7227 of 2018 dated 09.01.2020, I am unable to interfere based on the reasonings given in the said



Judgement. Merely because, an Advocate is appointed as an Enquiry Officer ipso facto will not mean that the enquiry will be biased and therefore such enquiry has to be interfered. After all in all the departmental proceedings, one of the senior officer from the Management is appointed as an Enquiry Officer. The purpose of the Enquiry Officer is only to elicit the truth to come to a fair conclusion whether the charges levelled against a delinquent is made out or not and thereafter the Show Cause Notice has to be issued if the Enquiry Officer comes to a conclusion that charges have been made against the Delinquent Officer.

5. Considering the fact that merely because an Advocate has been appointed as a Enquiry Officer ipso facto does not mean that such enquiry is liable to be interfered. There is no merits in this writ petition.

6. Considering the fact that the Enquiry Officer has already given a finding against the petitioner, the fifth respondent School is directed to show cause as to why the petitioner should not punished in the light of the finding given by the sixth respondent Enquiry Officer.

7. The petitioner may give a reply and thereafter appropriate orders may be passed in the disciplinary proceedings. This exercise shall be carried out by the fifth respondent School within a period of three months from the date of receipt of a copy of this order.

8. This Writ Petition stands dismissed with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

arb

To

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Chennai - 600 006.



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+1cc to the Government Pleader Sr.50891

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and

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vsn II[co]
srg 16/11/2021