



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.12.2021

Coram:

The Hon'ble Mr.Justice V.PARTHIBAN

W.P.No.27451 of 2021

and

W.M.P.Nos.28967 & 28968 of 2021

K.Godawari

...Petitioner

Vs.

1.The District Elementary Educational Officer,
Salem - 636 001.

2.The Assistant Elementary Educational Officer,
Salem Rural, Union,
Salem District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in connection with charge memo issued in Na.Ka.No.1654/A4/2015 dated 28.12.2020 and quash the same and direct the first respondent to consider to grant all consequential service benefits and monetary benefits.

For Petitioner .. Mr.G.Murugendran

For Respondents .. Mr.Abishek Moorthy
Government Advocate

ORDER

The petitioner had filed the above writ petition praying to call for the records of the first respondent in connection with charge memo issued in Na.Ka.No.1654/A4/2015 dated 28.12.2020 and quash the same and direct the first respondent to consider to grant all consequential service benefits and monetary benefits.

2.The petitioner is working as a Secondary Grade Assistant at Panchayat Union Elementary School, Azhagapuram, Salem. She was placed under suspension on 24.03.2015 on the basis of the FIR registered against her. The substance of the allegation was that her husband had purchased construction material worth Rs.2,50,000/- and a cheque was issued for the said amount and



the same was returned with an endorsement "insufficient funds". Regarding the said transaction, a complaint was registered against the petitioner as well as her husband under various sections of the IPC.

WEB COPY

3. The complaint was investigated by the police and a report was submitted to the Judicial Magistrate and the petitioner has been shown as an accused in the final report. However, after conduct of the trial, finally, the petitioner was acquitted of the charges. Thereafter, the departmental charges came to be framed. Challenging the same, the present writ petition has been filed.

4. According to the petitioner, while she has been acquitted of the charges in the criminal case, for the same set of charges, the present departmental charges have been framed. According to her, it was purely a transaction between the defacto complainant and her husband and she has nothing to do with the same. In the entire affidavit filed in support of the writ petition, she attempted to challenge the writ petition on the basis of the factual explanation to the charges. None of the grounds raised, assailing the charge memorandum, can be said to be valid enough calling for interference by this Court at the stage of charge memorandum.

5. It is trite to emphasis that the charge memorandum cannot be ordinarily challenged, unless it is issued by an incompetent authority or the charge memorandum is issued on malafide consideration or the charges are extremely vague. Only in exceptional circumstances as above, the Court could entertain the challenge against the charge memo. In this case, challenge to the charge memorandum is primarily and wholly on the basis of factual averments without any valid ground, compelling this Court to intervene at this stage.

6. On the whole, this Court finds that the affidavit is completely bereft of any ground and even the averments are very bald and sketchy. On the basis of the averments and the grounds raised, this Court does not think that the writ petition should be held to be maintainable and to be entertained.

7. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar



vsi/tri

To

1.The District Elementary Educational Officer,
Salem - 636 008.

2.The Assistant Elementary Educational Officer,
Salem Rural, Union,
Salem District.

+lcc to M/s.G.Murugendran, Advocate, S.R.No.68768

W.P.No.27451 of 2021

and

W.M.P.Nos.28967 & 28968 of 2021

KSM(CO)
SB(24/01/2022)