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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 20.12.2021
CORAM:
**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**
W.P(MD)No.16615 of 2020
and
W.M.P(MD)No.13886 of 2020

V.Siluvaimuthu ... Petitioner

**Vs**

1.The Director of School Education,
College Road,
Chennai.

2.The Chief Educational Officer,
Tirunelveli.

3.The District Educational Officer,
Tirunelveli.

4.The Correspondent,
St.Xavier's Higher Secondary School,
Palayamkottai – 627 002,
Thirunelveli District. ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for all the records of the fourth respondent impugned proceedings in charge memo No.1/A7/2020, dated 23.03.2020 and its consequential proceedings vide its memo No.1/2020, dated 10.08.2020 and quash the same and direct the respondents not to interfere with the services of the petitioner in any manner.

For Petitioner : Mr.R.Rajaraman, Advocate
For Respondents 1 to 3 : Mr.G.Vairam Santhosh, Additional Government Pleader
For Respondent No.4 : Mr.K.Ragatheesh Kumar, Advocate for M/s.Isaac Chambers

**ORDER**

This writ petition is filed challenging the charge memo and the consequential proceedings issued on the petitioner.

2.The learned Counsel for the petitioner submits that the impugned charge memo is biased in nature and under coerce and force, a letter has been obtained from the petitioner that he has admitted the guilt of slapping the co-teacher and abusing others. Therefore, the charge memo is liable to be quashed on the ground of *malafide* and bias.

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3.The learned Counsel for the fourth respondent submits that the petitioner has slapped a co-teacher inside the school premises in front of others, who when questioned the same, were abused and threatened by the petitioner. The petitioner has given a letter by admitting his guilt and therefore, he was imposed with a punishment of stoppage of increment. However, later he has reslied his stand and withdrawn the said letter. Therefore, departmental proceedings were initiated against the petitioner by issuing charge memo. There is no *mala fide* on the part of the respondent school. A fair departmental proceedings have been contemplated by issuing charge memo.

4.This Court has paid its anxious consideration to the rival submissions and perused the materials placed on record.

5.It is a charge that the petitioner has assaulted his co-teacher in front of others, who were also abused by the petitioner on 04.02.2020. Initially the petitioner has admitted the guilt and later, withdrawn the same. Therefore, the respondent school has initiated disciplinary proceedings by issuing the charge memo, which is impugned herein.

6.This Court is not inclined to entertain this writ petition and accordingly, this writ petition is dismissed with liberty to the respondents to conclude the departmental proceedings within a period of twelve weeks from the date of receipt of a copy of order and it is needless to mention that adequate opportunity must be provided to the petitioner. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director of School Education,
College Road,
Chennai.

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2.The Chief Educational Officer,
Tirunelveli.

3.The District Educational Officer,
Tirunelveli.

+1 CC to M/s.R.RAJARAMAN, Advocate ( SR-39897[F] dated 22/12/2021 )

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-39808[F] dated 21/12/2021)

+1 CC to M/s.SPL.GP ( SR-39699[F] dated 21/12/2021 )

**W.P(MD)No.16615 of 2020**
**15.12.2021**

RS(22.02.2022) 3P-7C

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