



WEB COPY

W.P.(MD) No.15067 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.15067 of 2018

and

W.M.P. (MD) .No.13646 of 2018

A.Subramanian

...Petitioner

Vs.

- 1.The Director of Elementary Education,
O/o. The Director of Elementary Education,
DPI Campus, Chennai - 6.
- 2.The Joint Director of Elementary Education,
O/o. The Joint Director of Elementary Education,
DPI Campus, Chennai - 6.
- 3.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Pudukottai District.
- 4.The District Educational Officer,
O/o. The District Educational Officer,
Aranthangi, Pudukottai District.
- 5.The Block Educational Officer,
O/o. The Block Educational Officer,
Previously Assistant Elementary Educational Officer,
Thiruvarankulam,
Pudukottai District.

6.Mrs.S.Umadevi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned charge memo in Na.Ka.No.4854/A8/2018, dated 30.06.2018 on the file of the respondent No.3 and quash the same as illegal.

For Petitioner : Mr.T.Aswin Rajasimman

For Respondents : Mr.A.Thiyagarajan for R1 to R5
Government Advocate

No Appearance for R6



O R D E R

Heard Mr.T.Aswin Rajasimman, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate for the respondents 1 to 5.

2. Against a set of four charges, the present writ petition has been filed. The legal ground raised by the petitioner is that the charges 3 and 4 are vague and cryptic in nature, thereby, depriving the petitioner of giving an explanation. The learned counsel for the petitioner placed reliance on the decision of the Honourable Supreme Court in **Union of India Vs. Gyan Chand Chattar** reported in **(2009) 12 SCC 778** and submitted that since these two charges are not specific, definite and bereft of details of the incident, they cannot be sustained.

3. The learned Additional Government Pleader on the other hand submitted that there has been a complaint given by the Headmaster to substantiate the charges 3 and 4 and that the charges are serious in nature and therefore, they must be proceeded with an enquiry.

4. Insofar as the charges 1 and 2 are concerned, it cannot be said that the charges are either vague or bereft of details. As such, the charge Nos.1 and 2 cannot be interfered with by this Court. Insofar as the charges 3 and 4 are concerned, as rightly pointed out by the learned counsel for the petitioner, the charges seem to be very vague. Charge No.3 states that the petitioner was interfering with imparting Education to the School Children. Likewise, charge No.4 says that the petitioner herein had not exercised his job properly, but in a casual manner. By applying the ratio laid down by the Honourable Apex Court in **Gyan Chand Chattar** (referred to supra), it can be said that if any enquiry is conducted insofar as these two charges are concerned, the petitioner would have been deprived of giving an effective explanation to the proposed charges and therefore, these two charges cannot be sustained, in view of its vague nature. However, since the learned Government Advocate submitted that they have materials to proceed with an enquiry, it would be appropriate to give the respondents an opportunity to file fresh charges on these aspects.

5. In the light of the above observations, the impugned charge memo, dated 30.06.2018, insofar as the charge Nos.3 and 4 are concerned, stands quashed and the charges 1 and 2 are upheld. However, if the third respondent herein is of the view that they intend to proceed against the petitioner in connection with the charges 3 and 4 also, they are at liberty to issue fresh charges on these two aspects alone.



6. With the above observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

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

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O/o. The Block Educational Officer,
Previously Assistant Elementary Educational Officer,
Thiruvarankulam,
Pudukottai District.



+1 CC to SPL GP (SR-5322[F] dated 16/02/2021)

+1 CC to MR.T.LAJAPATHI ROY, Advocate (SR-5743[F] dated
17/02/2021)

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