



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P (MD) .No.9979 of 2016

and

W.M.P. (MD) .Nos.7865 of 2016 & 309 of 2021

WEB COPY

P.DHARMARAJ

.. PETITIONER

Vs.

1 THE JOINT DIRECTOR OF SCHOOL EDUCATION,
SARVA SIKSHA ABHIYAN (SSA),
DPI CAMPUS, COLLEGE ROAD,
CHENNAI-6.

2 ADDITIONAL CHIEF EDUCATIONAL OFFICER,
SARVA SIKSHA ABHIYAN (SSA),
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

3 K.TAMIL MALAR

.. RESPONDENTS

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned charge memo dated 18.04.2016, signed on 20.04.2016, served on the petitioner on 05.05.2016, on the file of the Respondent No.1 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents 1 & 2 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

ORDER

This writ petition has been filed to quash the charge memo issued by the first respondent dated 05.05.2016.

2. The case of the petitioner is that the petitioner was appointed as Teacher Instructor in the year 2006. Later on, the petitioner was posted as in-charge Supervisor at Tirupullani Block Resource Centre, Sarva Siksha Abhiyan, Ramanathapuram District in the year 2014. At that time, the third respondent was working as Teacher Instructor along with the petitioner at Tirupullani Block Resource Centre and she was not at all doing any work entrusted to her and she was irregular in her duties. Hence, the petitioner reported the same to the higher authorities. Under these circumstances, on 23.12.2015, the third respondent has started abusing the petitioner and slapped him with her slipper which shows her indisciplined attitude for which an enquiry was conducted and in the enquiry it was found that the third respondent has slapped the petitioner with her slipper on the very same day. Thereafter, a



suspension order was issued to the petitioner on 28.12.2015 by the second respondent. But so far the second respondent did not take any steps to conclude the disciplinary proceedings. Hence, this writ petition.

3. The learned counsel for the petitioner would submit that though the third respondent behaved in a disciplined manner, the suspension order was issued against the petitioner is non-est in the eye of law. He would further submit that a criminal case was registered against the petitioner by the Law Enforcing Agency at the instigation of the third respondent and after completion of enquiry the said case was ended in acquittal on 25.06.2020. At this juncture, the learned counsel for the petitioner would submit that though many grounds available for attacking the charge memo, in view of the further development, the petitioner confine his prayer for a direction to the respondents to conclude the disciplinary proceedings within a reasonable time as fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 & 2 has no serious objections to consider the limited request made by the petitioner.

5. Considering the limited request made by the petitioner, and without going to the merits of the case, this Court is inclined to issue a direction to the respondents to conclude the disciplinary proceedings within a stipulated time. Accordingly, the second respondent is directed to conclude the disciplinary proceedings dated 28.12.2015 pending against the petitioner, on merits and in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 JOINT DIRECTOR OF SCHOOL EDUCATION,
SARVA SIKSHA ABHIYAN (SSA),
DPI CAMPUS, COLLEGE ROAD,
CHENNAI-6.

2 ADDITIONAL CHIEF EDUCATIONAL OFFICER,
SARVA SIKSHA ABHIYAN (SSA),
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-5734[F] dated 17/02/2021)

+1 CC to M/s.SPL GP (SR-5887[F] dated 18/02/2021)

W.P(MD) .No.9979 of 2016
16.02.2021

DKS (CO)
KB(15.03.2021) 3P 5C