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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.03.2022

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.NO.15908 OF 2011

V.Ayyappan

.. Petitioner

Vs.

1. The Joint Director of School Education,
(Secondary Education),
Office of the Director of School Education,
DPI Campus,
Chennai - 600 006.
2. The Chief Educational Officer,
Saidapet,
Chennai - 600 015.
3. The District Educational Officer,
Chennai East, Chennai - 600 094.
4. The Correspondent,
Shree Jethmal Tikamchand Chajed Jain,
Mission Higher Secondary School,
1, Narayan Mudali Street,
Sowcarpet, Chennai - 600 001.
5. The Headmaster,
Shree Jethmal Tikamchand Chajed Jain,
Mission Higher Secondary School,
1, Narayan Mudali Street,
Sowcarpet, Chennai - 600 001.

..Respondents

Prayer:

Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 4th respondent in his letter dated 21.03.2011 in respect of the termination of the services of the petitioner and quash the same as illegal, arbitrary and against the Act and Rules of Tamil Nadu recognized Private Schools (Regulation) and direct the respondents to reinstate the



petitioner in the 4th respondent School in continuity of service with all attendant benefits.

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For Petitioner : M/s.T.R.Prabha Karan
For R1 to R3 : Mr.C.Selvaraj,
Additional Government Pleader
For R4 : Mr.Guru Dhananjay
For R5 : No appearance

ORDER

Among the five charges levelled against the petitioner, which culminated into the impugned punishment of termination of service, the petitioner was stated to have manipulated a cheque of Rs.500/- into Rs.35,500/- and withdrawn the same.

2. According to the charges, the petitioner had obtained a cheque dated 28.03.2005, from the Head Master, for a sum of Rs.500/- and had altered the words and figures in the said cheque into Rs.35,500/- and after withdrawing the sum, had handed over an amount of Rs.500/- to the Head Master and thereby, misappropriated a sum of Rs.35,000/-. All the charges were held to be proved in the enquiry conducted by the Enquiry Committee and accordingly, an order of termination dated 21.03.2011, came to be passed. The appeal against the termination order was rejected by the first respondent on 18.04.2011. These orders are put under challenge in the present writ petition.

3. The main ground raised by the learned counsel for the petitioner is that the subject cheque was not manipulated by the petitioner and that it was the Head Master, who had manipulated the sum. Such a ground was not raised by the petitioner either during the course of the disciplinary proceedings or in the affidavit filed in support of the present writ petition. Even otherwise, these factual aspects cannot be gone into by this Court in exercising its powers under Article 226 of the Constitution of India, for the purpose of interfering with the punishment order.

4. The next ground raised by the learned counsel for the petitioner is that the petitioner was not provided with an opportunity to cross-examine the 5th respondent, who handled the cash and one Mrs.R.Vasantha Kumari, in whose name the petitioner was alleged to have issued a pay certificate. Even this ground



cannot be sustained for the reason that in case the petitioner wanted to cross-examine these persons, he ought to have made such a request, before the Enquiry Committee. A mere allegation in the affidavit filed before this Court that no opportunity was extended will not suffice. Perusal of the findings in the Enquiry Report also does not reveal that the petitioner had made a request to the Committee for cross-examining these two witnesses. While that being so, I am not in agreement with the grounds raised by the petitioner in this regard. On the contrary, this Court is of the view that due opportunity has been extended to the petitioner during the disciplinary proceedings. As such, I do not find any merits in the present Writ Petition.

5. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Joint Director of School Education,
(Secondary Education),
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+1cc to Mr.Guru Dhananjay, Advocate, S.R.No.17656
+1cc to the Government Pleader, S.R.No.18583

W.P.No.15908 of 2011

RSV(CO)
PM/01/04/2022