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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-06-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.10557 of 2014

And

MP Nos.1 and 2 of 2014

E.Krishnan

...Petitioner

vs.

1. The Director of School Education,
College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Vellore,
Vellore District.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his proceedings Na.Ka.No.6473/A1/2013 dated 08.03.2014 and quash the same in so far as the petitioner is concerned and direct the respondents to confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan

For Respondens : Mr.S.Prabhakaran,
Government Advocate.

O R D E R

The order of recovery dated 08.03.2014 to recover the financial loss occurred to the State, is under challenge in the present writ petition.

2. The petitioner was holding the post of Headmaster of the Higher Secondary School. The Government of Tamil Nadu introduced the Scheme of free distribution of Laptops to the students studying in the Higher Secondary Course from the academic year 2011-2012. As per the Scheme, 190 Laptops were distributed to the School where the petitioner was working. The Headmaster has to distribute the laptops to the eligible students. The



petitioner admitted the fact that he received 190 Laptops on 16.11.2012 to be distributed to the students. Thus distribution of Laptops took place in the presence of the MLA or the Hon'ble Minister.

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3. The petitioner states that he kept the Laptops in the Library Room of the school under lock and key. However, on 23.11.2012, when he opened the Library Room, to his shock and surprise, 9 Laptops were missing out of 190 and on the same day, the petitioner gave a complaint to the local police. The police also verified and found that 9 Laptops were missing and they commenced their investigation. The petitioner states even at the time of filing of the present writ petition, the case was under investigation. The remaining 181 Laptops were distributed to the students on 25.11.2012. Under these circumstances, the respondents issued the impugned order of recovery dated 08.03.2014 to recover the financial loss with reference to the 9 Laptops, which were missing from the school.

4. The learned counsel for the petitioner made a submission that the petitioner is not responsible for the financial loss as he kept the Laptops in the Library Room of the school under lock and key and at the time of opening, he found that 9 laptops were missing and the petitioner immediately registered a complaint and the case is under investigation even at the time of filing of the present writ petition. Thus, the petitioner is to be exonerated from the recovery proceedings.

5. The learned Government Advocate appearing on behalf of the respondents objected the said contention raised on behalf of the learned counsel for the petitioner by stating that the Government issued circulars and the Headmasters are responsible for the safety of Laptops handed over to them.

6. In the present case, the petitioner failed to take appropriate steps to protect the 190 Laptops supplied to him to be distributed to the students studying in the school. Therefore, there was lapse on the part of the petitioner in safeguarding the Laptops supplied by the Government and thus, the petitioner is liable to settle the financial loss occurred to State Exchequer.

7. This Court is of the considered opinion that admittedly 190 Laptops were handed over by the Government Authorities to the petitioner, who was holding the post of Headmaster during the relevant point of time. Further, the petitioner admitted the fact that he received 190 Laptops and stored all the Laptops in the Library Room of the school under lock and key and no doubt, the petitioner himself has stated in the affidavit that while he opened the Library Room of the school where all the Laptops were



kept and, found that 9 Laptops were missing and he lodged a complaint with the local police and the matter is under investigation. The financial loss occurred to the State Exchequer is to be compensated by the officials, who all are responsible and accountable. If at all the Laptops were recovered subsequently by the Police Officials, then alone the petitioner can seek appropriate relief, but not otherwise.

8.Recovery of financial loss occurred to the State Exchequer cannot be compared with the departmental proceedings. The State properties are handed over to the officials, who all are expected to safeguard the same in the manner contemplated. If at all there is a lapse, negligence or otherwise and financial loss is caused to the Taxpayers' money, then the said amount is to be recovered from the officials, who all are responsible and accountable over such financial losses. Thus, mere recovery of financial loss cannot be construed as penal action. It is only a recovery to make good the financial loss occurred to the State and hence, the petitioner is at liberty to pursue the criminal case and if the Laptops were recovered and handed over to the State, then the petitioner can seek appropriate relief to the extent the Laptops were recovered or otherwise.

9.The learned counsel for the petitioner made a submission that few Laptops were recovered as per the proceedings of the Headmaster on 01.03.2014. If that is the case, the petitioner is at liberty to approach the Competent Authorities to modify the order with reference to the Laptops, which were recovered during the pendency of the writ petition or otherwise. If at all the financial loss occurred to the State Exchequer is to be recalculated, the same is to be done by following the procedures. However, this Court cannot interfere with the order of recovery to make good the financial loss occurred to the State Exchequer due to the loss of Laptops supplied to the Headmaster to be distributed for the benefits of students studying in the school.

10.With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Svn



To

1. The Director of School Education,
College Road, Chennai - 600 006.

2. The Chief Educational Officer,
Vellore, Vellore District.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.34710

+1cc to the Government Pleader, S.R.No.34522

W.P.No.10557 of 2014

RSV(CO)

RGA(22/06/2022)