



W.A.(MD)No.767 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A.(MD)No.767 of 2022

and

C.M.P.(MD)No.6521 of 2022

- 1.The Director,
Department of School Education,
College Road,
Chennai – 600 006.
- 2.The Joint Director,
Department of School Education (Higher Education),
College Road,
Chennai – 600 006.
- 3.The Joint Director,
Department of School Education (Personal),
College Road,
Chennai – 600 006.
- 4.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.



W.A.(MD)No.767 of 2022

5.The Headmaster,

Government Girls Higher Secondary School,

Panaikulam,

Ramanathapuram District.

: Appellants

Vs.

G.Jeyaseeli Britto

: Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letter Patent, against the order dated 14.09.2021 made in W.P.(MD)No.13001 of 2015.

For Appellants : Mr.S.Saji Bino

Special Government Pleader

JUDGMENT

[Delivered by P.N.PRAKASH, J.]

The minimum facts that are required for deciding this writ appeal are as under:

1.1.For the sake of convenience, the parties will be referred to by their respective names.



W.A.(MD)No.767 of 2022

WEB COPY

1.2.Jeyaseeli Britto, a Christian, was married to one Jesudas. Jeyaseeli was working as a Secondary Grade Teacher in Government Girls Higher Secondary School, Panaikulam, Ramanathapuram District, she having joined the service on 12.12.1990. On account of marital discord, she got estranged from her husband and she obtained divorce in the year 2000.

1.3.While so, being a divorcee, she wanted to adopt someone and accordingly, she adopted a child. One Kannan who was working as a Teacher in Government Higher Secondary School, Regunathapuram, Ramanathapuram District, got acquainted with Jeyaseeli, proposed his love for her and trapped her into a marriage. Admittedly, Kannan and Jeyaseeli got married on 25.08.2004, in a Murugan Temple and thereafter, they also had their marriage registered on 10.09.2004, in the office of the Sub-Registrar, Ramanathapuram. After marriage, the couple lived happily for sometime and soon thereafter, it came to the knowledge of Jeyaseeli that Kannan was already a married person and that he had taken her for a royal ride. Therefore, she approached the police and even lodged a complaint against Kannan. Since both Jeyaseeli and Kannan were government servants, disciplinary action was initiated against both of them separately for bigamy,



W.A.(MD)No.767 of 2022

which is a misconduct under the Government Servants Conduct Rules.

1.4.Jeyaseeli took a stand that she was lured into the marriage by Kannan, who did not disclose her that he was already married. Jeyaseeli, maintained this stand throughout before the enquiry officer. It may be pertinent to state here that Jeyaseeli appeared as a witness in the domestic enquiry against Kannan and deposed that Kannan suppressed his earlier marriage and married her.

1.5.Pursuant to the above, Kannan was dismissed from service on 19.11.2008. However, the disciplinary authority held Jeyaseeli also guilty and by order dated 19.06.2015, Jeyaseeli was made to compulsorily retire from service. Challenging the same, Jeyaseeli filed a Writ Petition in W.P.(MD)No.13001 of 2015, which has been allowed by the learned Single Judge of this Court on 14.09.2021, aggrieved by which, the Department has filed the present Writ Appeal.

2.Heard Mr.S.Saji Bino, learned Special Government Pleader appearing for the appellants, who placed strong reliance on the judgment of the Supreme Court in the case of **Lucknow**



W.A.(MD)No.767 of 2022

Kshetriya Gramin Bank Vs. Rajendra Singh [(2013) 12 SCC 372], for the proposition that this Court should not interfere into the findings of the disciplinary authority. He also submitted that this proposition has been subsequently followed by the Supreme Court in the case of ***M/s.Indian Oil Corporation Ltd., Vs. Shri Rajendra D.Harmalkar [Civil Appeal No.2911 of 2022]***.

3.One can have no quarrel with the above proposition of law laid down by the Supreme Court. However, on facts, the case on hand is clearly distinguishable. Jeyaseeli has been consistently taking a stand that she was a victim of Kannan's machinations. This stand of Jeyaseeli stood vindicated by the fact that Jeyaseeli appeared as a witness in the disciplinary proceedings against Kannan and deposed against him. Thus, there was no iota of material produced before the enquiry officer to show that Jeyaseeli knew that Kannan was already a married person, despite which, she got married to him. To be noted, Jeyaseeli had also given a police complaint against Kannan, in this regard.

4.In such view of the matter, we find no infirmity in the order of the learned Single Judge, warranting interference and the Writ Appeal is devoid of merits.



W.A.(MD)No.767 of 2022

WEB COPY

5.Accordingly, this Writ Appeal stands dismissed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[P.N.P.J.] & [R.H.,J.]

28.07.2022

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



W.A.(MD)No.767 of 2022

P.N.PRAKASH, J.
and
R.HEMALATHA, J.

MR

ORDER MADE IN
W.A.(MD)No.767 of 2022

28.07.2022