



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD)No.4923 of 2020

and

W.M.P (MD)No.4296 and 4301 of 2020

V.M.A.Christina Baby

... Petitioner

Vs

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The District Educational Officer,
District Educational Office,
Orathanad, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, to call for the records relating to the impugned charge memo issued by the second respondent in Na.Ka.No.5775/A1/1999 dated 27.07.2018 and to quash the same and consequently, direct the respondents to reinstate the petitioner into service, with all consequential and other attendant benefits within a time frame to be fixed by Court.

For Petitioner : Mr.G.Sankaran

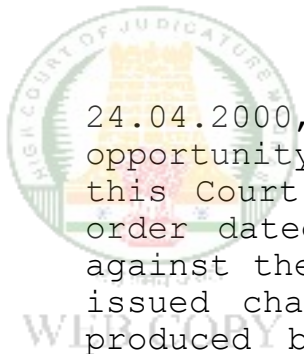
For Respondents : Mr.G.V.Vairam Santhosh

Additional Government Pleader

ORDER

This writ petition has been filed challenging the charge memo dated 27.07.2018 issued by the second respondent and for a consequential direction to the respondents to reinstate the petitioner into service.

2.The learned Counsel for the petitioner submits that the petitioner was appointed as Secondary Grade Teacher in the year 1995 and was posted in Chennai Corporation School on 03.07.1999. While so, on 18.08.1999 alleging that the petitioner had produced bogus community certificate, she was placed under suspension, which was subsequently, quashed by the Tribunal in O.A.No.4775 of 1999. However, the petitioner was dismissed from service vide order dated



24.04.2000, without even conducting any enquiry and providing any opportunity of hearing. The dismissal order was challenged before this Court in W.P.No.44244 of 2006(T) and the same was quashed by order dated 20.08.2010 with liberty to the respondents to proceed against the petitioner departmentally. As such the second respondent issued charge memo dated 05.05.2011 alleging that the petitioner produced bogus community certificate for getting employment and after conducting detailed enquiry and hearing the petitioner, she was exonerated from the charges on 31.01.2014.

3.The learned Counsel further submits that the petitioner was once again placed under suspension by order dated 24.06.2014 on the same ground, which was also subsequently, quashed by this Court in W.P(MD)No.413 of 2018 by order dated 02.11.2017 stating that there cannot be any repeated enquiry on the same issue, when the petitioner was exonerated from the charges in conclusion of the departmental proceedings. Again for the third time, charge memo has been issued on the same set of facts by the second respondent on 27.07.2018, which is challenged before this Court in the present writ petition.

4.The grievance of the petitioner is that on the very same set of facts the petitioner has been issued charge memo again and again, even though she was exonerated from the charges in the departmental proceedings.

5.The learned Additional Government Pleader appearing for the respondents after going through the earlier charge memo dated 05.05.2011 and the present charge memo dated 27.07.2018 fairly submits that the present charge memo is verbatim of the earlier charge memo.

6.Recording the above submission of the learned Additional Government Pleader, this writ petition is allowed. The impugned charge memo is quashed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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



To

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The District Educational Officer,
District Educational Office,
Orathanad, Thanjavur District.

+1 CC to M/s.SPL GP (SR-1325[F] dated 11/01/2022)

+1 CC to M/s.F.DEEPAAK, Advocate (SR-1124[F] dated 11/01/2022)

W.P (MD) No.4923 of 2020
10.01.2022

RD(04.02.2022) 3P 5C