



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.9000 of 2021

and

W.M.P(MD) No.6778 of 2021

WEB COPY

I.Padmanaban

... Petitioner

-vs-

1. The Joint Director (Administration),
State Council of Educational Research and Training (SCERT),
Chennai - 6.

2. The Principal,
District Institute of Education and Training (DIET),
Uthamapalayam,
Theni District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, for a direction, forbearing the Respondent No.1 from proceeding with the disciplinary proceedings without furnishing the documents referred in the Charge memo in Na.Ka.NO.1335/A2/2019 dated 08.05.2019 issued by the Respondent No.1.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

O R D E R

The charge memo dated 08.05.2019 issued by the first respondent is under challenge in the present writ petition. The charge against the writ petitioner is that the petitioner committed an act of negligence and dereliction of duty, while evaluating the exam answer sheets and awarded excessive marks to the students.

2.The learned counsel for the petitioner states that he is a Botany Lecturer and he was asked to evaluate the English papers. However, all these aspects are to be enquired into by the competent authority. The Lecturer may be allotted for alternate works in case of any emergency and after evaluating the answer sheets, it cannot be said that he is not qualified for evaluation of such answer sheets. In respect of the allegations, it is left open to the writ petitioner to establish his innocence or otherwise.



3.The learned counsel for the petitioner made a submission that the petitioner must be furnished with the documents enabling him to defend his case.

4.This Court is of the considered opinion that the charge memo has been issued and there is no infirmity as such. The petitioner has to submit his explanation / objections. Thereafter, Enquiry Officer is to be appointed. Before the Enquiry Officer, the presenting officer of the Department has to furnish all the documents and evidences and such documents and evidences must be allowed to be perused by the petitioner and the copies are to be supplied, if those documents are not confidential. In respect of original answer sheets, the petitioner must be allowed to peruse and in respect of other documents, the copies may be furnished to the writ petitioner. Therefore, it is made clear that at the time of commencement of enquiry and on submission of documents by the presenting officer, the petitioner must be allowed to peruse the files and all the documents in order to defend his case in the manner known to law.

5.In view of the fact that the petitioner made a submission that the documents are to be produced, this Court is of the opinion that no further consideration is required and the petitioner is entitled to peruse the documents at the time of enquiry and on submission of such documents by the presenting officer in order to substantiate the charges framed against the writ petitioners, which is being the procedures to be contemplated, the respondents are directed to continue the departmental disciplinary proceedings without any lapse of time and dispose of the same as expeditiously as possible. The petitioner undertakes to co-operate for the early disposal of the disciplinary proceedings and in the event of any non-cooperation, the same may be recorded by the authority in the proceedings itself and in such circumstances, the petitioner is not entitled to claim any relief on the ground that the departmental disciplinary proceedings are delayed.

6.with the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp



To

1. The Joint Director (Administration),
State Council of Educational Research and Training (SCERT),
Chennai - 6.

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2. The Principal,
District Institute of Education and Training (DIET),
Uthamapalayam,
Theni District.

+1 CC to M/s.SPL GP (SR-13525[F] dated 22/03/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-13709[F] dated
23/03/2022)

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