



W.P.(MD) Nos.14823, 14824 & 14825 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) Nos.14823, 14824 & 14825 of 2020

and

W.M.P. (MD) Nos.12478, 12480, 12482, 16499, 16502 & 16506 of 2020 and
11454 & 11480 of 2021

W.P. (MD) No.14823 of 2020:

K.Karpagam

... Petitioner

vs.

- 1.The Director of School Education
O/o.the Director of School Education
DPI Compound, College Road
Chennai
- 2.The Chief Educational Officer
Office of the Chief Educational Office
Thoothukudi, Thoothukudi District
- 3.The District Educational Officer
O/o.the District Educational Office
Thoothukudi, Thoothukudi District
- 4.The Chairman
Muthukaruppan Memorial Hr Sec School
Subbammalpuram, Sillakulam (Post)
Ottapidaram (Taluk)
Thoothukudi District
- 5.R.Nirmala
Chairman
Muthukaruppan Memorial Hr Sec School
Subbammalpuram, Sillakulam (Post)
Ottapidaram (Taluk)
Thoothukudi District
- 6.The Correspondent
Muthukaruppan Memorial Hr Sec School
Subbammalpuram, Sillakulam (Post)
Ottapidaram (Taluk)
Thoothukudi District



7.K.Saroja

Correspondent

Muthukaruppan Memorial Hr Sec School

Subbammalpuram

Sillakulam (Post)

Ottapidaram (Taluk)

Thoothukudi District

8.Balamurugan

Secretary

Muthukaruppan Memorial Hr Sec School

Subbammalpuram

Sillakulam (Post)

Ottapidaram (Taluk)

Thoothukudi District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records relating to the impugned suspension order passed by the 4th and 6th respondent in his proceedings Nil dated 07.10.2020 and consequential impugned charge memo passed by the 4th and 6th respondent in his proceedings Nil dated 07.10.2020 and quash the same as illegal.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 to R3
Mr.C.Mayilvahanarajendran for R4, R7 & R8
Mr.V.Panneerselvam for R5

W.P. (MD) No.14824 of 2020:

E.Prabakaran

... Petitioner

vs.

1.The Director of School Education
O/o.the Director of School Education
DPI Compound
College Road, Chennai

2.The Chief Educational Officer
Office of the Chief Educational Office
Thoothukudi, Thoothukudi District



3.The District Educational Officer
O/o.the District Educational Office
Thoothukudi, Thoothukudi District

4.The Chairman
Muthukaruppan Memorial Hr Sec School
Subbammalpuram
Sillakulam (Post)
Ottapidaram (Taluk)
Thoothukudi District

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Chairman
Muthukaruppan Memorial Hr Sec School
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Ottapidaram (Taluk)
Thoothukudi District

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Muthukaruppan Memorial Hr Sec School
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Ottapidaram (Taluk)
Thoothukudi District

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Correspondent
Muthukaruppan Memorial Hr Sec School
Subbammalpuram
Sillakulam (Post)
Ottapidaram (Taluk)
Thoothukudi District

8.Balamurugan
Secretary
Muthukaruppan Memorial Hr Sec School
Subbammalpuram
Sillakulam (Post)
Ottapidaram (Taluk)
Thoothukudi District

... Respondents

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impugned charge memo passed by the 4th and 6th respondent in his proceedings Nil dated 07.10.2020 and quash the same as illegal.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 to R3
Mr.C.Mayilvahanarajendran for R4, R7 & R8
Mr.V.Panneerselvam for R5

W.P. (MD) No.14825 of 2020:

N.Ahaz Reegan ... Petitioner
vs.

- 1.The Director of School Education
O/o.the Director of School Education
DPI Compound
College Road, Chennai
- 2.The Chief Educational Officer
Office of the Chief Educational Office
Thoothukudi, Thoothukudi District
- 3.The District Educational Officer
O/o.the District Educational Office
Thoothukudi, Thoothukudi District
- 4.The Chairman
Muthukaruppan Memorial Hr Sec School
Subbammalpuram, Sillakulam (Post)
Ottapidaram (Taluk), Thoothukudi District
- 5.R.Nirmala
Chairman
Muthukaruppan Memorial Hr Sec School
Subbammalpuram, Sillakulam (Post)
Ottapidaram (Taluk)
Thoothukudi District
- 6.The Correspondent
Muthukaruppan Memorial Hr Sec School
Subbammalpuram
Sillakulam (Post)
Ottapidaram (Taluk)
Thoothukudi District



7.K.Saroja
Correspondent
Muthukaruppan Memorial Hr Sec School
Subbammalpuram
Sillakulam (Post)
Ottapidaram (Taluk)
Thoothukudi District

8.Balamurugan
Secretary
Muthukaruppan Memorial Hr Sec School
Subbammalpuram
Sillakulam (Post)
Ottapidaram (Taluk)
Thoothukudi District

... Respondents

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for M/s.Ajmal Associates

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 to R3
Mr.C.Mayilvahanarajendran for R4, R7 & R8
Mr.V.Panneerselvam for R5

C O M M O N O R D E R

These writs have been instituted challenging the orders of suspension and the consequential charge memos, both dated 07.10.2020, issued by the respondents 4 and 6.

2. The petitioner in W.P.(MD) No.14823 of 2020 was appointed as Headmistress on 01.06.2006; the petitioner in W.P.(MD) No.14824 of 2020 was appointed as B.T.Assistant on 01.06.2016 and the petitioner in W.P.(MD) No.14825 of 2020 was appointed as Office Assistant on 01.04.2017 in the respondent School. Based on certain allegations, departmental disciplinary proceedings were initiated against the petitioners and they were placed under suspension and subsequently, charge memos were issued to them.



3. The learned Senior Counsel appearing for the petitioners made a submission that the impugned charge memos have been issued without jurisdiction. There was no competent School Committee in existence during the relevant point of time and therefore, the impugned charge memos are liable to be set aside.

4. There is a contention that the respondent School is not aided by the Education Department. In reply, it is contended that Adi Dravida Welfare Department is granting aid / subsidy to the respondent School, which is being paid by way of salary to the staff of the School.

5. The learned Additional Government Pleader made a submission that student based grant is given to the respondent School by the Department.

6. Several disputes are raised between the parties. The parties have arrived at a consensus that an enquiry is to be conducted by an independent retired official from the Education Department and the petitioners will cooperate for the enquiry proceedings. There is an interim order granted as far as the impugned suspension orders are concerned and the parties to the writ petitions have agreed that the suspension orders may be set aside and the petitioners may be reinstated into service, but they have to cooperate for the early disposal of the departmental disciplinary proceedings.

7. When the parties have arrived at a consensus for a consent order and made submissions accordingly, this Court thought fit to give quietus to the issues as the facts are complex in nature and further the Management people and the petitioners are close relatives. In view of the consent expressed by the respective parties to the writ petitions through the learned Senior Counsel for the petitioners and the learned counsels appearing for the respondents, this Court is inclined to pass the following orders:

- (i) The impugned orders of suspension, dated 07.10.2020, passed by the respondents 4 and 6 are quashed. The petitioners are directed to be reinstated into service forthwith.
- (ii) The District Adi Dravidar Welfare Officer, Thoothukudi District, is directed to appoint an Enquiry Officer not below the rank of a retired District Educational Officer for the purpose of conducting domestic enquiry, within a period of two weeks from the date of receipt of a copy of this order.



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- (iii) The District Adi Dravidar Welfare Officer, Thoothukudi District, shall fix remuneration to be paid to the Enquiry Officer by the Management of the respondent School.
- (iv) The Enquiry Officer, as appointed by the District Adi Dravidar Welfare Officer, shall commence the enquiry proceedings immediately by issuing notice to all the parties to the writ petitions by fixing a date and time and proceed with the enquiry by following the procedures as contemplated.
- (v) Opportunity of hearing must be provided to all the parties and the enquiry report is directed to be submitted within a period of three months from the date of commencement of the proceedings.
- (vi) It is needless to state that the petitioners are at liberty to raise all the factual and legal grounds, including the ground of jurisdiction, before the Enquiry Officer and before the Disciplinary Authority.
- (vii) The petitioners are directed to cooperate for early disposal of the disciplinary proceedings and in the event of non-cooperation on the part of the petitioners or any other party, the Enquiry Officer shall record the same in the minutes itself and in such circumstances, such parties are not entitled to claim any relief on the ground of delay in disposal of the disciplinary proceedings.
- (viii) On submission of enquiry report, the Competent Authority / Trust / Disciplinary Authority shall proceed based on the enquiry report and pass final orders on merits and in accordance with law, without causing any undue delay.

8. Accordingly, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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/ /2022

Sub Assistant Registrar(CS)



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To:

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College Road, Chennai.

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Office of the Chief Educational Office,
Thoothukudi, Thoothukudi District.

3.The District Educational Officer,
O/o.the District Educational Office,
Thoothukudi, Thoothukudi District.

4.The District Adi Dravidar Welfare Officer,
Thoothukudi.

+1 CC to M/s.SPL.GP. (SR-22097[F] dated
28/04/2022)

+1 CC to M/s.V. PANNEER SELVAM, Advocate (SR-22151[F] dated
28/04/2022)

+1 CC to M/s.C. MAYIL VAHANA RAJENDRAN, Advocate (SR-22194[F] dated
28/04/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-22874[F] dated
29/04/2022)

W.P. (MD) Nos.14823, 14824 & 14825 of 2020
and W.M.P. (MD) Nos.12478, 12480, 12482,
16499, 16502 & 16506 of 2020 and 11454 &
11480 of 2021
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