



W.P(MD)No.15078 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15078 of 2022

and

W.M.P.(MD)Nos.10785, 10786 & 10788 of 2022

M.Jeyadevadossar

... Petitioner

Vs.

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

2.The Joint Director of School Education,
Department of School Education,
College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Pudukkottai.

4.The Headmaster,
Government Higher Secondary School,
Nagudi,
Pudukkottai District.

... Respondents



W.P(MD)No.15078 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in pursuant to the impugned charge memo in Na.Ka.No.3092/Aa4/2016, dated 14.06.2016 issued by the third respondent and quash the same as illegal.

For Petitioner : Mr.P.Saravanakumar

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is working as Secondary Grade Teacher in the Government Higher Secondary School, Nagudi. The writ petitioner has challenged the charge memo issued on 14.06.2016.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the charge memo and allow the writ petition as prayed for.

4. The respondent has filed a counter affidavit and the learned Special Government Pleader took me through its contents and submitted that the writ petition deserves to be dismissed.



W.P(MD)No.15078 of 2022

5. Since the case concerns the well being of an educational institution, I directed the writ petitioner to be present before me. I also requested Thiru.Murugesan, Headmaster of the School to appear before this Court. Both of them are present before me. The charge against the petitioner is that the writ petitioner had conducted himself in an improper manner before the headmaster of the institution.

6. I went through the contents of the charge memo. The details are absent. It is quite vague. It is well settled that charge memo should contain specific details. Only in the counter affidavit filed before this Court, the particulars regarding the alleged misconduct of the petitioner have been spelt out. But these details should have been enclosed in the imputation of misconduct. On the ground of vagueness, the impugned charge memo is quashed. Thiru.R.Murugesan, Headmaster of the Institution levelled a series of complaints against the writ petitioner. It is particularly stated that the writ petitioner often goes on leave and that as a result, students are suffering. I requested Thiru.Murugesan to have a conversation with the writ petitioner and the matter was passed over to enable the parties to do so.

7. When the matter was taken up for hearing, the writ petitioner Thiru.M.Jeyadavadossar undertook before this Court that henceforth, he will



W.P(MD)No.15078 of 2022

adhere to the instructions and directions that may be issued by the Headmaster of Government Higher Secondary School, Nagudi. He undertakes that he will take classes promptly and punctually without giving any room for complaint. The petitioner undertakes to report for duty at 9.00 a.m., on all the working days. He shall be present in the school campus till the closing hours. The petitioner undertakes to submit notes of lesson on every Monday to the Headmaster. The petitioner shall handle all the classes assigned to him by the Headmaster. If the petitioner has to go on leave for genuine reasons, the petitioner shall give prior intimation to the Headmaster and after getting permission, shall avail leave. I had allowed the writ petition only because the writ petitioner had given such undertaking before this Court. Any breach of undertaking will invite legal consequence.

8. Recording the undertaking of the petitioner, the impugned charge memo is quashed. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

10.10.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.15078 of 2022

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W.P(MD)No.15078 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.15078 of 2022

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