



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.19641 of 2015

and M.P.(MD)No.1 of 2015

WEB COPY

C.Mathusoothanaperumal

... Petitioner

vs.

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

2.The Joint Director of School Education
(Employment Wing),
College Road, Chennai-600 006.

3.The Chief Educational Officer,
Nagercoil-629 001, Kanyakumari District.

4.The Headmaster,
Government Higher Secondary School,
Arumanalloor, Kanyakumari 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 order passed by the 1st respondent Director of School Education in Na.Ka.No.125433/C4/E1/2006 dated 04.07.2013, to quash the same and further to direct the respondents herein to grant forthwith to the petitioner the increments which he is legally entitled to particularly for the year 2006-07 with all attendant benefits.

For Petitioner : Mr.Muthuvel
for M/s.Isaac Chambers

For Respondents : Mr.R.Ragavendran
Government Adovocate (Civil side)

O R D E R

This Writ Petition is filed for issuance of a Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent Director of School Education in Na.Ka.No.125433/C4/E1/2006 dated 04.07.2013 , to quash the same and further to direct the respondents herein to grant forthwith to the petitioner the increments which he is legally entitled to particularly for the year 2006-07 with all attendant benefits.

2.The charges against the petitioner are given below:



"Charge No.1:

That Thiru C.Mathusoothanaperumal, BT Assistant, Arumanallor Government High School had misbehaved and spoken indecently to the students and for that reasons, some girl students had discontinued their studies in the middle of the academic year and that he had been the reason for the undisciplined activities of the students.

Charge No.2:

That Thiru C.Mathusoothanaperumal, had misbehaved and spoken indecently to the working at Arumanallor Government High School and had illicit relationship with some lady teachers working in the same school.

Charge No.3:

That Thiru C.Mathusoothanaperumal, had avoided from participating in the National festival namely, Republic Day Function held at the School on 26.01.2003 and also instigated some of his fellow teachers to avoid the function and hence indulged in the aforesaid activities degrading the dignity of the teaching profession."

3.The contention of the petitioner is that the said charges are grave in nature and it is carrying a stigma on his entire career. Only ground of attack is none of the documents, which were referred in the proceedings, dated 14.06.2006, were produced for perusal of the petitioner. Even in the proceedings in அருமநல்லூர் அரசு உயர்நிலைப் பள்ளி முன்னாள் தலைமையாசிரியரின் குறிப்புரை, it has been stated that some exchange of letters were referred and that were also not produced to the petitioner.

4.This Court without going into the merits of the case is convinced that none of the documents are produced for the perusal of the petitioner. Hence, this Court deems it fit to set aside the impugned order of punishment and direct the respondents to serve all the copies of the documents to the petitioner, that are referred and call for objections from the petitioner. Thereafter, pass a speaking order.

5.With this limited direction, the 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)



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 concerned.

To

- 1.The Director of School Education,
College Road, Chennai-600 006.
- 2.The Joint Director of School Education
(Employment Wing),
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Nagercoil-629 001, Kanyakumari District.
- 4.The Headmaster,
Government Higher Secondary School,
Arumanalloor, Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-2027[F] dated 21/01/2022)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-2071[F] dated 21/01/2022)

W.P. (MD) No.19641 of 2015
20.01.2022

sk(CO)
TR(09.02.2022) 3P 7C