



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.23027 of 2021

WEB COPY

M.C.Rosemary

... Petitioner

Vs.

1.The Disciplinary Authority,
The Chief Educational Officer,
Office of the Chief Educational Officer,
Ramanathapuram.

2.The Enquiry Officer,
The District Educational Officer,
Paramakudi,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the disciplinary enquiry proceedings conducted by the second respondent and his enquiry report dated 20.07.2021 which was furnished by the first respondent through his proceedings in Na.Ka.No.8822/E1/2019 dated 22.11.2021 is tainted with bias, in violation of principles of natural justice, illegal and hence vitiated in the light of the Hon'ble Apex Court judgment reported in 2018(7)SCC 670.

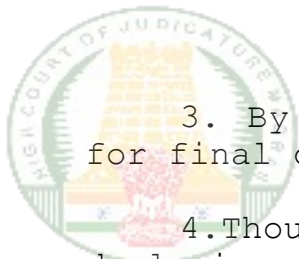
For Petitioner : Mr.M.Manivasagam

For Respondents : Mr.G.V.Vairam Santhosh, AGP

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Declaration, declaring that the disciplinary enquiry proceedings conducted by the second respondent and his enquiry report dated 20.07.2021 which was furnished by the first respondent through his proceedings in Na.Ka.No. 8822/E1/2019 dated 22.11.2021 is tainted with bias, in violation of principles of natural justice, illegal and hence vitiated in the light of the Hon'ble Apex Court judgment reported in 2018(7)SCC 670.

2. Heard Mr.M.Manivasagam, learned counsel appearing for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader appearing for the respondents.



3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. Though, the Writ Petition has been filed for declaration declaring that the disciplinary enquiry proceedings conducted by the second respondent and his enquiry report dated 20.07.2021 is not in accordance with law, Mr.M.Manivasagam, learned counsel for the petitioner confined his relief to the extent that he may be provided three more weeks time to offer his explanation to the enquiry report dated 20.07.2021.

5. This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

6. In view of the above submission of the learned counsel for the petitioner, this Writ Petition is disposed of, with a direction to the first respondent to provide three more weeks time for the petitioner to furnish his explanation if any, to the enquiry report dated 20.07.2021 and to pass final orders taking into consideration the explanation submitted by the petitioner to the enquiry report of the second respondent, within a period of four weeks thereafter. No costs.

Sd/-

Assistant Registrar (CS-II)

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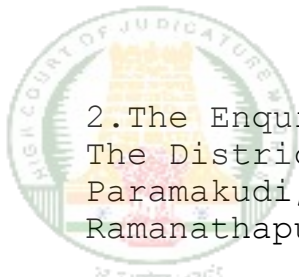
Sub Assistant Registrar(CS)

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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 Disciplinary Authority,
The Chief Educational Officer,
Office of the Chief Educational Officer,
Ramanathapuram.



2.The Enquiry Officer,
The District Educational Officer,
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.M.MANIVASAGAM, Advocate (SR-149[F] dated 04/01/2022)

+1 CC to M/s.SPL.GP (SR-188[F] dated 04/01/2022)

W.P (MD) No.23027 of 2021
03.01.2022

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