



W.P.(MD)No.15980 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.12.2022

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.15980 of 2017

and

W.M.P.(MD)Nos.12634 & 12635 of 2017

M.Arunachalam

... Petitioner

Vs.

1. The Director of School Education,
Department of School Education,
DPI Compound, College Road,
Chennai – 06.
2. The Appellate Authority/ The Joint Director of School Education,
(Secondary Education),
DPI Compound, College Road,
Chennai – 06.
3. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.
4. The District Educational Officer,
O/o. The District Educational Officer,
Thoothukudi,
Thoothukudi District.



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5. The Secretary,
Karapettai Nadar Higher Secondary School,
Thoothukudi – 628 001,
Thoothukudi District.

... Respondents

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 pertaining to the impugned order in Na.Ka.No.91/2015-16 dated 09.02.2016 on the file of the respondent No.5 and the order in Appeal in Na.Ka.No.019801/G2/E1/2016 dated 27.07.2017 on the file of the respondent No.2 and quash the same as illegal.

For Petitioner : Mr.T.Aswin Raja Simman
for Mr.J.Pandi Dorai

For R1 to R4 : Mr.S.Kameswaran,
Government Advocate

For R5 : Mr.K.Ragatheeshkumar
for M/S.Isaac Chambers

ORDER

This writ petition is filed challenging the order passed by the Appellate Authority which confirms the punishment order passed by the fifth respondent.



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2. The contention of the petitioner is that the Appellate Authority instead of considering the punishment order, dated 09.02.2016 on merits, has considered the subsequent charge memo, dated 01.08.2016 and has passed the impugned order. As far as the punishment order passed by the fifth respondent, the contention of the petitioner is that the fifth respondent has relied on a subsequent bill, which was obtained in the portal with malafide intention and claimed that the Management has acted in a vengeance with malafide intention.

3. After considering the rival submissions, this Court is inclined to set aside the punishment order passed by the fifth respondent. Therefore, both the impugned orders are set aside. The fifth respondent shall conduct an enquiry afresh by taking into evidence, other documents and conduct an enquiry as per rules and regulations by giving adequate opportunity to the petitioner. The enquiry shall be conducted within a period of six months from the date of receipt of the copy of the order.

4. With the above said direction, this Writ Petition is allowed.



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No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes / No

jbr

To

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S.SRIMATHY, J

jbr

Order made in
W.P.(MD)No.15980 of 2017

01.12.2022