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W.P.No.14273 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.14273 of 2023
and
W.M.P.No.13798 of 2023

Dr.S.Raja Soundara Pandian

... Petitioner

Vs.

The Director of Collegiate Education,
Office of the Directorate of Collegiate Education,
Saidapet, Chennai – 600 015.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records in the impugned charge memo in No.11684 / D4/ 2020, dated 24/04/2023 issued by the respondent and quash the same.

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondent : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This writ petition has been filed challenging the charge-memo dated 24.04.2023, issued by the respondent, against the petitioner. The



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charge framed against the petitioner is that the petitioner was included in the Inspection Team and he has given a report contrary to the facts, thereby violating Rule 18 of the Tamil Nadu Government Servants Conduct Rules, 1973.

2.It is the case of the petitioner that he was an Assistant Professor and he was also given in-charge of Principal in Government College of Education, Orathanad Village, Thanjavur District, for some time. The petitioner was included in the Inspection Team to conduct investigation at Sri Gayathri College of Education and Sri Gayathri College of Diploma in Elementary Education in Andhra Pradesh, in respect of grant of approval by the National Council of Teacher Education (NCTE). The charge against the petitioner is that, while inspecting Sri Gayathri College of Education and Sri Gayathri College of Diploma in Elementary Education at Andhra Pradesh, the petitioner has given a report contrary to the facts. Based on the false report, the NCTE has accorded recognition to the ineligible Institution.

3.It is the contention of the petitioner that the charge memo has been mainly issued on the basis of the criminal case pending against the



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petitioner. However, according to the petitioner, no such criminal case is pending against him. Even in the criminal case relied upon by the respondent for issuing the charge-memo, the name of the petitioner is not found in the FIR, whereas, he has been made only as a witness in the final report filed against many other persons. Therefore, it is the contention of the petitioner that, when the CBI itself has not made any allegations against the petitioner, the impugned charge is baseless and the same is challenged in this writ petition.

4.Mr.P.Baladhadayutham, learned Special Government Pleader, who takes notice for the respondent, produced before this Court the Note of the CBI which indicates that the CBI has registered a case in RC.No.01/2017 against Teacher Training Institutions and unknown officials of Southern Regional Committee (SRC), NCTE, Bangalore, under Sections 120-B r/w. 420, 467, 468 & 471 IPC and Section 13(2) r/w. 13(1)(d) of PC Act. After completion of investigation, the CBI filed a charge-sheet under Section 120-B r/w. 420 & 471 IPC against 40 accused persons/Institutions for allegedly conspiring to cheat the NCTE in the matter of obtaining formal recognition for the conduct of courses in Diploma in Elementary Education and Bachelor of Education in the



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Academic Year 2015-16, by submitting fake and fabricated mandatory documents. It is their contention that the investigation revealed that the petitioner, after inspection of Sri Gayathri College of Education and Sri Gayathri College of Diploma in Elementary Education in Andhra Pradesh, has given a report contrary to the physical features, thereby, the CBI has, in fact, recommended for initiation of departmental proceedings against the petitioner.

5.It is the main contention of the learned counsel for the petitioner that, since the petitioner has not been made as an accused in the final report, but only shown as a witness, the impugned charge-memo issued against the petitioner cannot be sustained in the eye of law. Further, it is his contention that the CBI's letter does not implicate the petitioner. Therefore, it is his contention that the charge-memo is baseless and has to be quashed.

6.Heard the learned counsel on either side and perused the entire materials available on record.



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7.The very charge against the petitioner is that the petitioner, while inspecting Sri Gayathri College of Education and Sri Gayathri College of Diploma in Elementary Education in Andhra Pradesh, has given a false report. The Note of the CBI, communicated vide No.C2/RC-01(A)/2017/CBI/ACB/BLR/1169, dated 01.05.2020, clearly indicates the role of the petitioner in giving the false report. In such view of the matter, when the Central Bureau of Investigation (CBI), after thorough investigation, has found that a false report has been given by the Inspecting Team, wherein the petitioner was one of the Members, and the CBI has also recommended for initiation of departmental proceedings against the petitioner, quashing the very charge at this stage itself, does not arise at all. Let the petitioner establish his innocence in the departmental proceedings.

8.Accordingly, I do not find any merit in this writ petition. Therefore, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

31.08.2023

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N. SATHISH KUMAR, J.
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Speaking order / Nonspeaking order

To

The Director of Collegiate Education,
Office of the Directorate of Collegiate Education,
Saidapet, Chennai – 600 015.

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