



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.17488 of 2018
and
W.M.P.No.20976 of 2019

J. Swaminathan

.. Petitioner

Vs.

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 009.
- 2.The Joint Director of Elementary Education (Aided),
Directorate of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The District Elementary Educational Officer,
Thiruvarur District,
Thiruvarur.
- 4.The Assistant Elementary Educational Officer,
Nannilam Taluk,
Thiruvarur District.
- 5.P. Bharathi,
Headmistress,
Aided Elementary School,
Vazhkkai,
Nannilam Taluk,



Thiruvavarur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of punishment imposed by 5th respondent in No.Nil dated 24.06.2015 and the subsequent order passed in the Appeal Petition dated 31.05.2018 and to quash the same and consequently direct the respondents to confer consequential and other attendant benefits including promotion to the post of Headmaster in the 5th respondent school.

For Petitioner	.. Mr. J. Jayamalan For Mr. S. Nedunchezhiyan
For Respondents	.. Mr. U. Bharanidharan, AGP

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records relating to an order of punishment imposed by the 5th respondent dated 24.06.2015 and subsequent order passed in the Appeal Petition in Na.Ka.No.603/௨௩ dated 31.05.2018 and to direct the respondents to confer consequential and other attendant benefits including promotion to the post of Headmaster in the 5th respondent school.



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2.The petitioner was appointed as secondary grade teacher in the 5th respondent school namely Aided Elementary School, Vazhkkai, Nannilam Taluk, Thiruvarur District. The petitioner had a very interesting life as secondary grade teacher. This has invited a charge to be framed against him. A charge memo was issued and list of witnesses and list of documents were disclosed. The petitioner was then issued with a notice dated 27.04.2015, stating that an enquiry would be conducted by a retired employee, who was also named on 30.04.2015 at 5.00 p.m.

3.The petitioner claims that the place of enquiry was not properly indicated in the notice. This is disputed and denied by the learned counsel for the 5th respondent. The enquiry was actually conducted in the absence of the petitioner, though it was stated that the petitioner was waiting outside the locked school. It is contended that the enquiry was conducted in the office premise of the Secretary. The petitioner, however, contends that the enquiry was conducted in the residence of the Secretary.



4. These are issues, which this Court need not examine at this stage, particularly, because the 5th respondent appears to have conducted and concluded the enquiry and rendered findings and imposed punishment to the petitioner on the very same day commencing from 5.00 p.m on 30.04.2015 and ending on the same day.

5. Let me not examine the nature of charges. Let me not examine whether the petitioner had acted bonafide and the reasons for his actions. Let the entire aspect be re-examined by a fresh enquiry to be conducted by the 5th respondent. Even prior to issuing notice of enquiry, let the 5th respondent issue the necessary annexures enclosure to the charge memo already filed and also call upon the petitioner to fill a questionnaire, stating whether he requires oral evidence to be adduced on his side. After clarifying this particular aspect, let an independent enquiry officer be appointed and let the date and place of enquiry be mentioned in that particular notice for enquiry, so that the particular stand that the place was not stated should not be again placed by the petitioner. After this aspect, let the enquiry be proceeded in manner known to law. Let due opportunity be given to the petitioner. I am confident that the 5th respondent would also avail the opportunity to substantiate the charges.



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6. In view of this particular order passed by me, the orders impugned are set aside and the matter is remanded back to the aforementioned stage. It is hoped that the respondents would endeavour to complete the enquiry process at the earliest. No further orders are required. Hence, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

20.07.2023

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking order: Yes/No
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C.V.KARTHIKEYAN,J.

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