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W.P.No.23714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.23714 of 2023

and

W.M.P.No.23226 of 2023

V.Murugesan

... Petitioner

Vs.

1.The Director of Elementary School Education,
DPI Compound,
Chennai – 600 006.

2.The District Elementary Educational Officer,
DEO's Office,
Dharmapuri – 636 705.

3.The Block Educational Officer,
Nallampalli Block, Dharmapuri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings bearing Na.Ka.No.1414/A1/2023 dated 07/2023 (signed on 18.07.2023) on the file of the 3rd respondent herein, to quash the same and to direct the 2nd respondent to re-consider the issuance of the Suspension Order dated 08.07.2022 and the Charge Memo dated 18.01.2023, in the light of the G.O.Ms.No.165, dated 15.10.2014.



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For Petitioner : Mr.R.Selvakumar
For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader

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ORDER

This writ petition has been filed challenging the communication of the 3rd respondent signed on 18.07.2023, calling the petitioner for departmental enquiry, suspension order dated 08.07.2022 and charge-memo dated 18.01.2023.

2.It is the case of the petitioner that he was appointed as Secondary Grade Teacher in the respondent Department, for which, the eligible qualification is SSLC Pass with Secondary School Teacher Training Certificate. After appointment, the petitioner was given various promotions and lastly posted as Headmaster in Samathal Panchayat Union Middle School. It is the case of the petitioner that, when the certificates of the petitioner were sent for verification, it was found that the petitioner's Higher Secondary Certificate contained corrections. On the said allegation, the petitioner was issued with a show cause notice. Pursuant to the same, the petitioner has also submitted his explanation on 05.07.2022. In the meantime, the petitioner was placed under suspension vide order dated



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08.07.2022. Thereafter, a charge-memo came to be issued against the petitioner on 18.01.2023. Subsequently, an Enquiry Officer has been appointed and the petitioner has been called for the departmental enquiry, vide the impugned communication, challenging which, the present writ petition.

3.Learned counsel for the petitioner mainly submitted that, as per G.O.(Ms) No.165, School Education Department, dated 15.10.2014, the qualification for appointment to the post of Secondary Grade Teacher is only SSLC and two years Diploma in Teacher Training and therefore, any correction or irregularity in the Higher Secondary Certificate of the petitioner will not affect the petitioner's eligibility or appointment, since HSC (+2) is not the qualification prescribed for the post of Secondary Grade Teacher. Therefore, according to the learned counsel, the charge-memo itself is not maintainable. Since the Government Order came to the knowledge of the petitioner only recently, the writ petition has been filed now, challenging the disciplinary proceedings.



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4.Heard Mr.V.P.R.Elamparithi, learned Additional Government

WEB CO PLEADER, who takes notice for the respondents.

5.The very charge itself is that the petitioner has forged the certificates and obtained the appointment. When the very charge itself is with regard to the forgery of certificate, this Court wonders as to how G.O.(Ms) No.165, School Education Department, dated 15.10.2014, prescribing the qualification for appointment will come to the rescue of the petitioner. In such view of the matter, the disciplinary proceedings, at this stage, cannot be interfered with. Even in the explanation offered by the petitioner dated 05.07.2022, the petitioner has stated that, in the event of the certificate being found to be false, the petitioner is ready to abide by any decision. Still, if the petitioner wants to rely on G.O.(Ms) No.165, School Education Department, dated 15.10.2014, which, according to him, came to his knowledge only recently, he can raise such a defence in the disciplinary proceedings. In any event, this Court is not inclined to interfere with the disciplinary proceedings at this stage.



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6. Therefore, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

7. However, there shall be a direction to the respondents/Disciplinary Authority to conclude the disciplinary proceedings, within a period of four months from the date of receipt of a copy of this order.

11.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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Dharmapuri – 636 705.

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N. SATHISH KUMAR, J.



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