



W.P.(MD)No.333 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.333 of 2023

and

W.M.P.(MD)Nos.323 and 325 of 2023

S.Bright,
P.G.Assistant,
St.Francis Higher Secondary School,
Vavarai - 629 172,
S.T.Mankad Post,
Kanyakumari District.

... Petitioner

Vs.

1. The Chief Educational Officer,
Kanyakumari,
Kanyakumari District.
2. The District Educational Officer,
Tiruvattar,
Kanyakumari District.
3. The Correspondent,
St.Joseph's Higher Secondary School,
Thirithuvapuram - 629 163,
Kanyakumari District.



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4. The Corporate Manager,
Corporate Management of Roman Catholic Schools,
Diocese of Kuzhithurai,
Corporate Management Office,
Bishop's House Campus,
Unnamalaikadai - 629 179,
Kanyakumari District.

5. The Rt.Rev.The Bishop,
Diocese of Kuzhithurai,
Bishop's House Campus,
Unnamalaikadai - 629 179,
Kanyakumari District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the fourth respondent herein in No.EDN/K/CM/FI 112/264/2022 dated 23.12.2022 and quash the same and consequently, direct the respondents 1 and 2 herein to constitute a committee consisting of neutral persons or with the members of the Education Authority and conduct an inspection and scrutinize the accounts of the third respondent School with regard to loss caused to the tune of Rs.1,32,95,622/- to the third respondent School.

For Petitioner	:	Mr.T.Pon Ramkumar
For Respondents	:	Mr.S.Shaji Bino Spl. Govt. Pleader for R1 and R2



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Higher Secondary School, Vavarai, Kanyakumari District, which is under the control of Corporate Management of the fourth respondent. On 08.08.2011, the petitioner was transferred to the third respondent School as P.G.Assistant. While he was working in the third respondent School, it was alleged that, the petitioner has misappropriated a sum of Rs.1,32,95,622/- (Rupees One Crore Thirty Two Lakhs Ninety Five Thousand Six Hundred and Twenty Two only) and thereby, the fourth respondent Management has issued a charge memo on 23.12.2022. Challenging the same, the present Writ Petition.

4. The learned counsel appearing for the petitioner would submit that the petitioner has not dealt with any monetary transaction, however the Government aid was misused by the Management and the same was questioned by the petitioner, thereby vindict action was initiated against the petitioner. Further, if any, independent officer is appointed, the truth will come. Accordingly, he prayed for appropriate orders.



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5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. In a catena of decisions, this Court as well as Apex Court held that the charge memo and the show cause notice cannot be interfered at the threshold and hence, the prayer sought for in the Writ Petition cannot be granted.

7. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the fourth respondent to appoint an unbiased Enquiry Officer to conduct an enquiry as against the petitioner and conclude the disciplinary proceedings within period of twelve weeks from the date of receipt of a copy of this order. The fourth respondent Management is also directed to furnish the documents as sought for by the petitioner, by considering his representation, dated 27.12.2022.



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8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

06.01.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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