



W.P.(MD)No.721 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.721 of 2023
and
W.M.P.(MD)No.725 of 2023**

S.Jakkammal
Headmistress,
Pankajam Women Higher Secondary School,
Bodinayakkanur,
Theni District.

... Petitioner

Vs.

1. The Chief Educational Officer,
Theni District,
Theni.

2. The District Educational Officer,
Theni District,
Theni.

3. The Secretary,
Pankajam Women Higher Secondary School,
Bodinayakkanur,
Theni District.

... Respondents



W.P.(MD)No.721 of 2023

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the charge memo issued by the third respondent in Na.Ka.No.237/2022 dated 04.11.2022 and the consequential proceedings made in Na.Ka.No.262/A/2022 dated 09.12.2022 and quash the same as arbitrary and illegal and in consequence to direct him to reinstate the petitioner forthwith in the 3rd respondent School.

For Petitioner : Mr.R.Suriyanarayan

For Respondents : Mr. S.Saji Bino
Special Government Pleader
for R1 and R2
Mr.S.Sarvagan Prabhu
For R3

ORDER

This Writ Petition has been filed to call for the entire records relating to the charge memo issued by the third respondent in Na.Ka.No. 237/2022 dated 04.11.2022 and the consequential proceedings made in Na.Ka.No.262/A/2022 dated 09.12.2022, quash the same as illegal and direct the third respondent to reinstate the petitioner forthwith in the School.



W.P.(MD)No.721 of 2023

WEB COPY

2. The learned counsel appearing for the petitioner would submit that the petitioner is working as Headmistress in the 3rd respondent School. Originally, she was appointed as PG Assistant in the 3rd respondent School on 16.12.1996 and after 20 years of service, considering her merit and ability, she is promoted as Headmistress on 19.12.2016. While so, on 29.10.2020, the third respondent issued a Memo to the petitioner, pursuant to which, on 13.10.2021, the 3rd respondent issued another show cause notice. Thereafter, the suspension order has been passed based on the charge memo and the show cause notice. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would further submit that pursuant to the charge memo and the suspension order, the third respondent/School Management has appointed the member of the School Committee as the Enquiry Officer which itself shows the *malafide* intention of the third respondent/School Management against the petitioner. Hence, this Court may appoint an Enquiry Officer to conduct enquiry between the



W.P.(MD)No.721 of 2023

petitioner and the third respondent and file a report before the School Committee. Thereafter, the School Committee may pass appropriate orders on merits and in accordance with law.

4. The learned counsel appearing for the third respondent has no serious objection for such an order being passed by this Court.

5. Admittedly, in the present case, the third respondent/School Management has appointed the member of the School Committee as Enquiry Officer. Therefore, the learned counsel appearing for the petitioner as well as the learned counsel appearing for the third respondent suggest one Mr.T.Cibi Chakraborty, Advocate, to be the Enquiry Officer to conduct enquiry and the said Mr.T.Cibi Chakraborty has also agreed to perform as Enquiry Officer.

6. Hence, this Court appoints the said Mr.T.Cibi Chakraborty, Advocate as the Enquiry Officer to conduct enquiry between the petitioner and the third respondent and file a report before the School Committee after



W.P.(MD)No.721 of 2023

affording opportunity to the petitioner and the third respondent and appoints one Ms.S.Sindhuja, Advocate as the Assistant to the Enquiry Officer for facilitating the enquiry. The said exercise is to be completed within a period of eight weeks from the date of receipt of a copy of this order. The third respondent is directed to pay initial remuneration of Rs.35,000/- (Rupees Thirty Five Thousand only) to the Enquiry Officer and Rs.15,000/- (Rupees Fifteen Thousand only) to the Assistant of the Enquiry Officer.

7. Accordingly, this Writ Petition is disposed of. No costs.
Connected miscellaneous petition is closed.

11.01.2023

Index : Yes / No

Speaking Order : Yes / No

ssb



W.P.(MD)No.721 of 2023

To

1. The Chief Educational Officer,
Theni District,
Theni.
2. The District Educational Officer,
Theni District,
Theni.
3. The Secretary,
Pankajam Women Higher Secondary School,
Bodinayakkanur,
Theni District.
4. T.Cibi Chakraborty,
Enrollment No.2039/2008,
Plot No.17, Sri Ram Illam,
Denny's Garden,
Ganesh Nagar,
Madurai-625 007.
(Phone No:9865006313)
5. S.Sinduja (MS.6662/21)
Plot No.6, Managiri 5th Street,
II Floor, K.K.Nagar, Madurai.
(Phone No:8300310814)



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W.P.(MD)No.721 of 2023

M.DHANDAPANI,J.

ssb

**W.P.(MD)No.721 of 2023
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