



W.A.(MD).No.2118 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.2118 of 2023
and
C.M.P.(MD).No.16970 of 2023

1.Kazanathul Uloom Primary School,
Represented by its Manager,
133/50-A, Moolan Ahmed Pillai Street,
Melapalayam,
Tirunelveli District.

2.S.M.A.Uthuman,
Manager,
Kazhanathur Uloom Primary School,
Melapalayam,
Tirunelveli District.

.. Appellants/6th & 7th Respondents

Vs.

1.M.Pathimuthu Hajara
Head Master (Under Suspension),
Kazhanathur Uloom Primary School,
Melapalayam,
Tirunelveli District.

.. 1st Respondent/ Petitioner

2.The Director of Elementary Education,
DPI Campus, Chennai – 6.



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3.The Joint Director of Elementary Education,
DPI Campus,
Chennai – 6.

4.The Chief Educational Officer,
Tirunelveli District.

5.The District Educational Officer (Elementary),
Tirunelveli District.

6.The Block Educational Officer,
Palayamkottai Nagar,
Tirunelveli District - 627 002.

.. Respondents 2 to 6/
Respondents 1 to 5

7.Manisankar,
Advocate/Enquiry Officer,
C/o Manager,
Kazhanathur Uloom Primary School,
Melapalayam,
Tirunelveli District.

.. 7th Respondent/8th Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 03.11.2023 passed in W.P.(MD).No.18042 of 2023 on the file of this Court by allowing this appeal.

For Appellants	: Mr.T.A.Ebenezer
For R-1	: Mr.Vetrivel for M/s.Lajapathi Roy Associates
For R-2 to R-6	: Mr.D.Sadiq Raja Additional Government Pleader



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JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The Writ Appeal has been filed against the order dated 03.11.2023 passed in W.P.(MD).No.18042 of 2023.

2. The first respondent filed the Writ Petition challenging the charge memo dated 12.07.2023 and the consequential proceedings dated 19.07.2023. The first respondent/writ petitioner was appointed to the post of Secondary Grade Teacher on 05.04.1995 and her appointment was approved by the competent authorities of the Education Department. She was promoted to the post of Headmaster with effect from 10.08.2010. The promotion was also approved with effect from 19.04.2017. A charge memo has been issued against the first respondent in proceedings dated 12.07.2023.

3. The first respondent/writ petitioner raised several allegations



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against the Management and the learned Single Judge has quashed the order of appointment of the Enquiry Officer. Proceeding further, the learned Single Judge directed to furnish all the documents pertaining to the charge memo dated 12.07.2023 to the first respondent within a period of fifteen (15) days, enabling the delinquent employee to give her explanation. On receipt of explanation, the subsequent Manager was directed to appoint an Enquiry Officer of her choice. In view of the fact that the Writ Petition was partly allowed quashing the appointment of the Enquiry Officer, the School Management preferred the present Writ Appeal.

4. The main contention raised in the Writ Appeal is that the Enquiry Officer, if appointed as per the orders of the learned Single Judge, the same would cause prejudice to the interest of the Management and there is no possibility of impartial enquiry.

5. The charge memo issued by the School Management has not been quashed in the writ order impugned in the present appeal. Therefore disciplinary proceedings initiated must be concluded in all respects by



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passing final orders. Since the parties have raised doubt regarding the appointment of Neutral Enquiry Officer, we have requested the learned Additional Government Pleader to find out a retired District Educational Officer for conducting an impartial departmental enquiry. The learned Additional Government Pleader in consultation with the Chief Educational Officer, Tirunelveli, suggested the name of one Mr.A.Jeyapandi, Retired District Educational Officer residing at No.20, Vasantha Nagar, Perumalpuram, Tirunelveli-627 007 (Mobile No.9442069575). The suggestion made by the learned Additional Government Pleader was accepted by the first respondent and therefore, we thought fit to appoint the said Mr.A.Jeyapandi, Retired District Educational Officer as Enquiry Officer to conduct an enquiry into the departmental disciplinary proceedings.

6. Accordingly, Mr.A.Jeyapandi, Retired District Educational Officer has been appointed as Enquiry Officer to conduct an enquiry into the departmental disciplinary proceedings initiated against the first respondent. The writ appellants and the first appellant-Delinquent Officer are directed to



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cooperate with the Enquiry Officer in all respects for effective adjudication of the issues and to complete the enquiry in all respects as expeditiously as possible. The Enquiry Officer, on completion of enquiry, shall submit Final Report to the Disciplinary Authority, within a period of twelve weeks from the date of receipt of a copy of this order. Thereafter, the Disciplinary Authority may proceed further for passing final orders by following the procedures as contemplated. The appellant-Management is directed to pay a sum of Rs.25,000/- to the Enquiry Officer, within a period of two weeks from the date of receipt of a copy of this order and on submission of the Enquiry Report, further sum of Rs.25,000/- is directed to be paid to the Enquiry Officer. In total, a sum of Rs.50,000/- is fixed as fees for the Enquiry Officer.

7. In view of the facts and circumstances, the order impugned dated 03.11.2023 passed in WP(MD) No.18042 of 2023 stands modified to the extent as stated above and the present Writ Appeal stands disposed of. The Registry is directed to communicate this order to Mr.A.Jeyapandi, Retired District Educational Officer residing at No.20, Vasantha Nagar,



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Perumalpuram, Tirunelveli-627 007 (Mobile No.9442069575). However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S.,J.) (V.L.N.,J.)
21.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm/Svn



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To

- 1.The Director of Elementary Education,
DPI Campus, Chennai – 6.
- 2.The Joint Director of Elementary Education,
DPI Campus,
Chennai – 6.
- 3.The Chief Educational Officer,
Tirunelveli District.
- 4.The District Educational Officer (Elementary),
Tirunelveli District.
- 5.The Block Educational Officer,
Palayamkottai Nagar,
Tirunelveli District - 627 002.
- 6.A.Jeyapandi,
Retired District Educational Officer,
20, Vasantha Nagar, Perumalpuram,
Tirunelveli – 627 007.



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