



W.P.No.12192 of 2016

IN THE HIGH COURT AT JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM:

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.12192 of 2016 &
WMP.No.10545 of 2016

S.Revathi

...Petitioner

Vs.

1. The Secretary to Government,
Higher Education Department,
Fort St. George, Chennai-9 .

2. The Director of Collegiate Education (F.A.C),
College Road, DPI, Chennai-6.

3. The Regional Joint Director of Collegiate Education,
Coimbatore Region, Race Course, Coimbatore.

4. The Regional Joint Director of Collegiate Education,
Dharmapuri Region, Dharmapuri.

5. The Superintendent Of Police
Dharmapuri District, Dharmapuri.

6. The Principal,
Government Arts College, Dharmapuri.



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7.Mr.P.K.Baskaran
Retired Principal,
12/97, Rayappa Colony,
Pidamaneri, Dharmapuri-636 701.

...Respondents

Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records in connection with the 2nd respondent's Memo in proceedings L.Dis.No. 45865/D4/2014 dated 26/02/2016.

For Petitioner : Mr.S.Thankira
For Respondents : Mr.C.Jayaprakash,
Government Advocate for RR1 to 6
Mr.G.Dhamodaran
for R7

ORDER

The Writ Petition is filed calling for the records in connection with the 2nd respondent's Memo in proceedings L.Dis.No.45865/D4/214 dated 26.02.2016 and quash the same.

2. There is long history to the case but in my view the writ petition can be disposed of on short ground and so the bare facts necessary for the disposal of the writ petition are narrated.



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3. The petitioner in pursuance of the Teacher's Recruitment Board notification of the year 2009, was selected and appointed as Assistant Professor in Government Arts College, Dharmapuri vide G.O.Ms.No.230 Higher Education (F2) dated 07.07.2009. After the petitioners successful completion of probation, she was made permanent. It appears that there was some trouble to the petitioner from the 7th respondent who was appointed as principal of the college which resulted in a complaint by the petitioner to the police. The details of the events thereafter are not necessary but suffice it to state that the complaint ended in the order of this court dated 21.07.2015 in W.P.No.31560 of 2014, whereby the petitioner was directed to approach the committee constituted by the college in terms of the decision of the Hon'ble Supreme Court in the case of *Vishaka and Ors. Vs State of Rajasthan* reported in (1997) 6 SCC 241. According to the petitioner as an aftermath of the events, which culminated in the aforesaid order, the 2nd respondent through the 6th respondent issued a Memo in Na.Ka.No.46865/D4/14 dated 16.07.2015 calling for explanation from the petitioner for the misconduct conducted by her in giving interview to



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Television and Press regarding her complaint against the 7th respondent in violation of Tamil Nadu Government Service Conduct Rules, 1975. The petitioner submitted her reply on 30.04.2024 to the Memo in Na.Ka.No.45865/D4/214 dated 16.04.2015. Thereafter a charge Memo in Na.Ka.No.46865/D4/14 was issued on 16.07.2015 by the 2nd respondent. The 2nd vide impugned order dated 26.02.2016, appointed one Dr.K.Rajalakshmi, Joint Director of Collegiate Education, Dharmapuri Region, Dharmapuri, as an enquiry officer to enquire into the charges framed against the petitioner. The petitioner aggrieved by the impugned order dated 26.02.2016 has filed the above writ petition.

4. The respondents 1 to 6 filed detailed counter which again is not traversed elaborately. The respondents stated that the impugned order was only a communication sent to the petitioner informing her about the appointment of the enquiry officer. The respondents further submitted that as the petitioner had committed misconduct of approaching the media on the complaint lodged by



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her against the 7th respondent without the permission of the Government and so the petitioner was proceeded with departmentally. The respondents submitted that there were no merits in the writ petition and same deserved to be dismissed.

5. At the time of hearing, the learned counsel for the petitioner after taking the court through the entire typed set of papers submitted that the impugned order was vindictive and therefore deserved to be set aside. According to the counsel the charge Memo issued to the petitioner was on the basis of the complaint of the 7th respondent who was inimically disposed towards her and therefore the same could not be sustained.

6. The learned counsel for the respondents 1 to 6 submitted that the writ petition was not maintainable as the petitioner without challenging the charge Memo challenged the impugned order which was only on order appointing an enquiry officer to enquire into the charges framed against the petitioner. The learned counsel therefore submitted that in the absence of a challenge to the



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charge Memo the writ petition challenging the appointment of enquiry officer

should not be entertained. The learned counsel submitted that there were no merits in the writ petition and same deserved to be dismissed.

7. I have heard both the learned counsels and I have perused the materials placed on record.

8. The impugned order is an order passed appointing one Dr.K.Rajalakshmi, Joint Director of Collegiate Education, Dharmapuri Region, Dharmapuri as enquiry officer to enquire into the charges framed against the petitioner. As rightly contended by the learned counsel for the respondents the petitioner has not challenged the charge Memo but has only challenged the order appointing the enquiry officer. It is pertinent to note here that the petitioner submitted her explanation to the charge Memo on 05.08.2015 and it was one year thereafter that the impugned order was passed appointing the enquiry officer. In my view in the absence of a challenge to the charge Memo,



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the challenge to the impugned order which is a mere order appointing the enquiry officer cannot be sustained.

I therefore find no merits in the writ petition and hence the same is dismissed. No costs. Consequently, connected WMP is closed.

30.08.2024

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

ssd/dsn



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N.MALA,J.

ssd

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