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W.P. Nos.20407 & 33912 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.20407 & 33912 of 2012

and

W.M.P.Nos.1, 1 & 2 of 2012

W.P.No.20407 of 2012

T.Suresh

... Petitioner

Vs.

1.The Regional Joint Director of Collegiate Education,
Coimbatore.

2.Emerald Heights College for Women,
Rep by its Secretary,
Ootacamund – 643 006.

.....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari calling for the records pertaining to proceedings dated 19.07.2012 by the second respondent, quash the same.

For Petitioner : Mr.B.Ravi

For R1 : Mr.R.Neethi Perumal
Government Advocate

For R2 : Ms.P.Mahalakshmi



W.P. Nos.20407 & 33912 of 2012

W.P.No.33912 of 2012:

T.Suresh

... Petitioner

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Vs.

1.Enquiry Officer
Emerald Heights College
for Women,
Ootacamund – 643 006.

2.Emerald Heights College
for Women,
Rep by its Secretary,
Ootacamund – 643 006.

3.The Regional Joint Director of
Collegiate Education,
Coimbatore.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari calling for the records pertaining to proceedings dated 05.12.2012 by the second respondent and quash the same.

For Petitioner : Mr.B.Ravi

For R3 : Mr.R.Neethi Perumal
Government Advocate

For R2 : Ms.P.Mahalakshmi

ORDER

The issue that arises for consideration in both the writ petitions is one and the same and also between the same parties. As such, both the writ petitions are taken up for consideration together and are being disposed of by



this common order.

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2. In W.P.No.20407 of 2012, the petitioner challenged the charge memo issued by the respondent No.2, College, represented by its Secretary, on the ground that the Secretary is not a competent authority to issue the impugned charge memo. In W.P.No.33912 of 2012, the petitioner questioned the show cause notice dated 05.12.2012 through which the petitioner was communicated with the copy of the report of enquiry officer and also the proposal to impose the punishment of removal from service is challenged, again on the ground of competency and also on the ground of pre-judging the matter, violation of principles of natural justice, etc., in the light of law laid down by the Hon'ble Apex Court in the case of *Managing Director ECIL Hyderabad Vs. B.Karunakar* reported in **1993 (4) SCC 727**. The learned counsel for the petitioner also placed reliance on the decision of Full Bench of this Court reported in **2006 (4) CTC 471**. Confronted with decision of Full Bench of this Court, Ms.P.Mahalakshmi, learned counsel appearing for the 2nd respondent fairly submitted that it is a matter for remand for taking appropriate steps in accordance with law against the petitioner.



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3. In the light of the above and considering the Full Bench decision of this Court in *Valliapan, K.M Vs. Joint Director of School Education* reported in **2006 (4) CTC 471**, the impugned charge memo dated 19.07.2012 and the impugned show cause notice dated 05.12.2012 cannot be sustained and accordingly, they are set aside and the matter is remanded back to the 2nd respondent for taking appropriate action against the petitioner in accordance with law.

4. Accordingly, the writ petitions are disposed of. The connected miscellaneous petitions if any, shall stand closed. No costs.

30.08.2024

Index : Yes/No
Speaking Order : Yes/No
dpa

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- 1.The Regional Joint Director of Collegiate Education,
Coimbatore.
- 2.The Secretary,
Emerald Heights College for Women,
Ootacamund – 643 006.

MUMMINENI SUDHEER KUMAR,J.

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and
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