



W.P.No.12212 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.12212 of 2024
and
W.M.P.Nos.13302 & 13304 of 2024

Raman

S/o.Murugesan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by
Principal Secretary to Government,
Department of School Education,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of School Education
now redesignated as
The Director of School Education,
Department of School Education,
Perasiriyar Anbalagan Kalvi Valagam,
College Road, Chennai - 600 006.
- 3.The State Project Director,
Samagra Shiksha
Department of School Education,
Perasiriyar Anbalagan Kalvi Valagam,
College Road, Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the



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records relating to Charge Memo issued by the second respondent in Proceedings No.Na.Ka.No.026950/A1/E5/2022-1 dated 14.07.2022 and consequential order of suspension vide G.O.(1D) No.210, School Education [SE1 (2)] Department dated 28.07.2022 and order not permitting the petitioner to retire vide G.O.(1D) No.216 School Education [SE1(2)] Department dated 29.07.2022 on the file of first respondent and quash the same as illegal and consequently direct the first respondent to allow the petitioner to retire along with all retirement and monetary benefits.

For Petitioner : Mr.P.A.Sai Govindaraja
For Respondents : Mrs.S.Mythere Chandru
Special Government Pleader

ORDER

The writ petition is filed challenging the charge memorandum dated 14.07.2022 and the consequential order of suspension dated 28.07.2022.

2. The learned counsel for the petitioner firstly would submit that even though the disciplinary proceedings are being conducted there has been no examination of witnesses and there is no evidence as against the petitioner. He would further submit that the charge is relating to loss of amount to Government.



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3. Both the grounds raised by the learned counsel for the petitioner would be the grounds to be raised during the course of disciplinary enquiry. The charge memorandum can be interfered, if the charge memorandum itself is issued by an incompetent authority and on allegation of malafide or the charge does not disclose any misconduct at all.

4. The grounds raised in the present case relates to the evidence of the petitioner. Moreover, Mrs.S.Mythereye Chandru, learned Special Government Pleader taking notice on behalf of the respondents would submit that in this case already, the Enquiry Officer has submitted his report and the second show cause notice was issued.

5. In that view of the matter, leaving open all the questions to be raised through his explanation to the second show cause notice, this writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking Order: Yes/No
Neutral Citation: Yes/No



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D.BHARATHA CHAKRAVARTHY, J.

mp

To

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