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W.P.No.22943 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.22943 of 2023
and
W.M.P.No.22440 of 2023

A. Jothi

...Petitioner

Vs

1. The District Educational Officer (Elementary Education)
Office of the District Education Office (Elementary)
Namakkal District 637 001.

2. The Block Educational Officer,
Erumapatty – 637 013.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the consequential Order of the First Respondent in his order in Na.Ka.No.326/A3/2022, dated 09.03.2023 to the order of the second respondent in her Order Na.Ka.No.245/A4/2021 dated 19.08.2021 and quash them as they are in violation of natural justice,infringement of fundamental rights and all canons of law and pass orders.



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For Petitioner : Mr. L .Mouli
For Respondent : Mrs.S. Mythreye Chandru
Special Government Pleader

ORDER

This petition is filed seeking to issue a Writ of Certiorari calling for the records pertaining to the consequential Order of the First Respondent in his order in Na.Ka. No.326/A3/2022, dated 09.03.2023 to the order of the second respondent in her Order Na.Ka.No.245/A4/2021 dated 19.08.2021 and quash them as they are in violation of natural justice, infringement of fundamental rights and all canons of law and pass orders.

2. The facts of the case is that the petitioner is a Headmistress in Erumapatty Panchayat Union Elementary School, Erumapatti. She was issued with a charge memo by the second respondent on 10.08.2021 in Na.Ka.No.245/A4/2021 calling for explanation and the petitioner submitted her explanation on 16.08.2021. Pursuant to which the second respondent passed orders in Na.Ka.No.245/A4/2021 dated 19.08.2021 wherein stoppage of increment for two years was ordered under Tamil



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Nadu Civil Services (Discipline and Appeal) Rules. Against which the petitioner preferred statutory appeal on 08.09.2021 and also filed a writ petition before this Court in W.P.No.30781 of 2021 and this Court vide order dated 08.09.2021 directed the first respondent to pass final orders on the appeal. Pursuant to which the second respondent has passed final order in Na.Ka.No.245/A4/2021 on 19.08.2021, wherein the punishment was modified to the effect that the stoppage of increment for one year without cumulative effect. Aggrieved over the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submits the respondents has not provided an opportunity of hearing before passing the impugned order. It is further submitted that even in the revision petition the respondent ought to have completely exonerated the petitioner from the charges rather than modifying it to stoppage of increment for one year without cumulative effect. Hence, prays for interference by this Court.

4. The learned Special Government pleader appearing for the respondents filed a counter affidavit, wherein it was stated that the Block



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Educational Officer levelled seven charges against the petitioner vide Na.Ka.No.245/A4/2021 dated 10.08.2021 under Rule 17(1) of the Tamilnadu Civil Services (Discipline and Appeal) Rules and issued show cause notice by giving reasonable opportunity of 15 days to defend herself. Further more the petitioner gave her explanations in an evasive manner and she has erroneously blamed the second respondent with unsavory words. Being not satisfied with the explanations given by the petitioner, the second respondent has passed the present impugned order on 19.08.2021 in Na.Ka.No.245/A4/2021. Hence prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.

6. On a perusal of the counter affidavit filed by the respondent it is made clear that before passing the impugned order they have conducted an enquiry with 8 persons who are the members of the school committee and colleagues of the petitioner.

7. On a perusal of charges levelled against the petitioner it is seen



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that the petitioner was not regularly attending the school, forged the records relating to accounts, refusing to give consent to the administrative committee, not present in the school, always have a meeting with her relatives in the school premises, not obeying the Educational Officer etc., It is pertinent to note that the petitioner has not given any satisfactory reasons in her explanations.

8. Allegations made against the petitioner are extremely serious. It has been alleged that the petitioner has not performed his duties promptly. The materials on record clearly reveal that the petitioner virtually declined to respond to the repeated approaches as made by the respondents-authority. Giving explanation to the show cause notice, undoubtedly place the present case in a significantly different position. Thus, the petitioner in the present case has sought to derive benefit from his inertia of inaction. The principles of natural justice do not deserve to be stretched in an unnatural manner.

9. There is large scale allegations in the public domain that the teachers are not taking classes properly and not imparting education in



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the manner prescribed. The public in general expect that they should impart better education to the children and share knowledge and develop discipline amongst the students for nation building. These students are the nation builders of our great nation and therefore more concentration is required in the field of education.

10. When this being the case, inspite of the opportunities given to the petitioner, she failed to give a satisfactory explanation and improve his conduct and efficiency. The allegations against the petitioner are very serious charges including one of defalcation of public money belonging to the said school which amount to dereliction of duty.

11. In view of the above, this Court find it difficult to brush aside the charges levelled against the petitioner in the show cause notice. Further more with regard to the impugned order passed this Court finds no reason to interfere with the same.

12. In view of the above facts it is made clear that there is no merits in the submissions made by the petitioner and this petition



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deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs. Consequently the connected miscellaneous petition is closed.

It is a well established one that teaching is a noblest profession and the petitioner being the Headmistress has more response than a teacher, while so the petitioner involving in illegal acts cannot be accepted by this Court.

Inspite of the dismissal order passed by this Court, if the petitioner continues to act in the same manner as such, the respondents are at liberty to take action against her even without giving notice.

05.12.2024

Index:Yes/No

Speaking order/Non-speaking order
smn

Note: Issue Order copy on 19.12.2024

To.

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Office of the District Education Office (Elementary)
Namakkal District 637 001.

2. The Block Educational Officer,
Erumapatty – 637 013.



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V.BHAVANI SUBBAROYAN,J.

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