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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.22263 of 2024
and WMP No.24256 of 2024

P.Jayakumar

... Petitioner

Vs.

1. The Director,
Directorate of Elementary Education,
DPI Campus, College Road,
Nungambakkam,
Chennai 600 034
2. The Chief Education officer,
Near to District Collector's officer,
Thiruvallur.
3. The District Educational officer,
District Education office,
Government Boys Higher Secondary School,
Tirutani.
4. The District Educational officer (Primary),
District Education office,
Thiruvallur.
5. The Block Educational Officer,



Thiruvallankadu,
Thiruvallur District

6. Mr.S.Suresh

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the entire records relating to impugned order dated 28.06.2024 in Na.Ka.No.002383 /E1/2024 on the file of 1st respondent.

For Petitioner : Mr.B.Manimaran

For Respondents : Mrs.E.Ranganayaki
Additional government Pleader
for R1 to R5

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent in Na.Ka.No.602383/E1/2024 dated 28.06.2024.

2. The case of the petitioner is that he was working as a Head Master in an elementary school. A show cause notice came to be issued in the year 2017 and he was suspended from service. Charges were also framed against the petitioner and disciplinary proceedings were initiated. An enquiry officer was



appointed. The petitioner was not confident about the enquiry officer appointed to conduct the enquiry and therefore, the petitioner approached this Court and filed WP Nos.33331 and 33364 of 2019 questioning the appointment of the enquiry officer.

3. This Court on considering the grievance expressed by the petitioner and on considering the submissions made on either side passed an order on 05.12.2019 and the relevant portions are extracted hereunder :-

6.This Court does not want to go into any of the allegations made by the petitioner. The petitioner has made certain allegations against the Enquiry Officer and therefore it will not be proper to make the petitioner undergo the enquiry before the same officers. At the same time, it must also be ensured that the enquiry is completed within a reasonable time. It is seen that the enquiry has been pending for quite a long time without any progress.

7.Taking into consideration the facts and circumstances of the case and in order to ensure that a neutral person is appointed as an Enquiry Officer, Mr.K.S.Suresh, Advocate, No.25, Mothilal Street, Thiruvallur – 602 001, Mobile: 9443119879, is appointed as an Enquiry Officer and the enquiry



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shall be conducted at Block Education Office, Thiruvallangadu – 631 209. The petitioner shall pay a sum of Rs.2500/- to the Enquiry Officer appointed by this Court for every effective hearing date. The Enquiry Officer shall ensure that principles of natural justice is complied with and all the parties concerned are given sufficient opportunity. The Enquiry Officer shall complete the enquiry within a period of six weeks from the date he starts the enquiry. Enquiry shall be commenced within a period of two weeks from the date of receipt of copy of this order. On the submission of the enquiry report, the concerned authority shall complete the disciplinary proceedings within a period of six weeks, thereafter.

3. Pursuant to the above order, the enquiry officer appointed by this Court proceeded with the enquiry and out of the five charges that were framed against the petitioner, two charges were found to have been proved. The Enquiry report was also submitted to the 2nd respondent. The 2nd respondent thereafter proceeded further and imposed a punishment of stoppage of one increment without cumulative effect. Aggrieved by the same, the petitioner filed an appeal before the 1st respondent.



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4. The 1st respondent on considering the facts and circumstances of the case and the grievance expressed by the petitioner, modified the punishment and reduced the punishment to stoppage of increment for nine months without cumulative effect.

5. The petitioner aggrieved by the above order passed by the 1st respondent, has filed the present writ petition before this Court.

6. Heard Mr.B.Manimaran, learned counsel for the petitioner and Mrs.E.Ranganayaki, learned Additional Government Pleader for respondents 1 to 5.

7. In the considered view of this Court, the Enquiry officer held that two charges have been proved against the petitioner. Out of those two charges, the 3rd charge is a bit serious since the petitioner had collected some amount from students and he remitted it only at a later point of time. There was absolutely no explanation as to why the petitioner was retaining those amounts.



8. The 1st respondent has properly applied his mind and has even reduced the punishment. This Court does not find any illegality or perversity in the order passed by the 1st respondent warranting interference.

9. In the light of the above discussion, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

07.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.

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To

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