



Writ Petition No.24605 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.24605 of 2024

and

W.M.P.No.26921 of 2024

Dr.K.Thamizharasan

... Petitioner

Vs.

1.The Director of Collegiate Education,
Directorate of Collegiate Education,
Saidapet, Chennai - 600 015.

2.Theagaraya Chetty Educational Institutions,
Sir Theagaraya College Committee,
represented by its Secretary,
Old No.345, New No.1047,
T.H.Road, Old Washermenpet,
Chennai - 600 021.

3.The Secretary & Correspondent,
Theagaraya Chetty Educational Institution,
Sir Theagaraya College Committee,
Chennai - 600 021.

4.Dr.Rajasekar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order dated 18.07.2024 appointing the fourth respondent as Enquiry Officer and the impugned order dated 09.08.2024 rejecting the representation of the petitioner to change the Enquiry Officer



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and quash the same as illegal and direct the second respondent to appoint an unbiased Enquiry Officer to conduct the enquiry in the Charge Memo dated 19.06.2024 issued against the petitioner.

For Petitioner : Mr.A.Arulmozhi

For Respondents : Mr.K.Surendran
Additional Government Pleader [R1]
Mr.B.Ravi [R2 & R3]
Mr.T.Sezhian [R4]

ORDER

This writ petition has been filed challenging the impugned proceedings dated 18.07.2024 appointing the fourth respondent as the enquiry officer and rejecting the representation made by the petitioner seeking for changing the enquiry officer and for a consequential direction to second respondent to appoint an enquiry officer to conduct the enquiry in an unbiased manner pertaining to the disciplinary proceeding initiated through charge memo dated 19.06.2024.

2. Heard Mr.A.Arulmozhi, learned counsel for petitioner, Mr.K.Surendran, learned Additional Government Pleader appearing for first respondent, Mr.B.Ravi, learned counsel appearing for respondents 2 and 3 and Mr.T.Sezhian, learned counsel appearing for fourth respondent.



3. When the matter came up for hearing on 23.08.2024, this

WEB COURT passed the following order:

"Mr.K.Surendran, learned Additional Government Pleader takes notice on behalf of the 1st respondent.

2.Notice to respondents 2 to 4, returnable by 09.09.2024. Private notice is also permitted.

3.The learned counsel for the petitioner is also permitted to serve notice on the learned Standing Counsel appearing for respondents 2 to 4.

4.On going through the materials placed before this Court, this Court finds that the 4th respondent should not be conducting the enquiry in this case and some other Enquiry Officer has to be appointed. Hence, post this case at the end of the motion list on 09.09.2024. In the meantime, the enquiry shall be kept in abeyance."

4. A counter affidavit has been filed by respondents 2 and 3.

The claim made by the petitioner has been refuted and a stand has been taken to the effect that the enquiry officer is conducting the enquiry in an unbiased manner.

5. Learned counsel appearing on behalf of the fourth respondent, who is the enquiry officer, submitted that several allegations have been made against the fourth respondent and therefore, the fourth respondent wants to file a counter.



6. After hearing the learned counsel appearing on either side for some time, this Court suggested that a Senior Advocate can be appointed as the enquiry officer in this case so that the proceedings can be conducted in an unbiased manner and the disciplinary proceedings itself can be concluded within a time frame fixed by this Court. This Court also made it clear that the said appointment of a fresh enquiry officer is not based on the allegations made against the fourth respondent and such a course of action has been adopted by this Court only on the ground that the fourth respondent was also made as a party in the earlier proceedings.

7. The suggestion put forth by this Court was fairly agreed by learned counsel appearing on either side. In view of the same, this Court requested Mr.E.Om Prakash, Senior Counsel, to act as the enquiry officer in this case and the learned Senior Counsel agreed for the same.

8. In the light of the above development, Mr.E.Om Prakash, learned Senior Counsel, is appointed as the enquiry officer to conduct the enquiry pursuant to the disciplinary proceedings initiated by issuance of charge memo dated 19.06.2024. The enquiry officer shall complete the enquiry and submit the report before the second respondent within a



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N.ANAND VENKATESH, J

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To

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Sir Theagaraya College Committee,
represented by its Secretary,
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