



W.P.No.94 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.94 of 2024

and

W.M.P.Nos.97 and 99 of 2024

T.Vimala Rose

...Petitioner

-Vs-

1.The Secretary to Government,
School Education Department,
Fort St.George, Chennai – 9.

2.The Director of School Education,
DPI Compound, Chennai – 6.

3.The Joint Director of School Education (Personnel),
DPI Campus, Chennai – 6.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 3rd respondent dated 30.06.2016 issued in Na.Ka.No.002267/C3/2004 and consequential proceedings of the 2nd respondent dated 10.10.2023 issued in Na.Ka.No.13439/C4/E1/2023 and quash the same and grant all consequential benefits to the petitioner.

For Petitioner : Mr.P.I.Thirumoorthy

For Respondents : Mr.U.Baranidharan

Additional Government Pleader



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ORDER

This Writ Petition has been filed challenging the order dated 30.06.2016 in Na.Ka.No.002267/C3/2004 passed by the third respondent, thereby imposed punishment of the censure and the order passed by the second respondent dated 10.10.2023, thereby confirming the order passed by the third respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is a retired Headmistress and while she was served with charge memo under Section 17(a) for the charge of insubordination based on the adverse reports submitted by the Chief Educational Officer dated 02.01.2004. After receipt of the explanation submitted by the petitioner, an enquiry was conducted. Based on the enquiry report, the third respondent imposed the punishment of stoppage of one increment without cumulative effect by the proceedings dated 26.10.2004. It was challenged before this Court in W.P.No.36270 of 2004 and this Court, by an order dated 10.11.2011, set aside the order passed by the third respondent and remitted the matter back to conduct fresh enquiry, after giving an opportunity of hearing to the petitioner.



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Once again, an enquiry was conducted and passed final order on 30.06.2016, thereby imposed punishment of censure. It was challenged by way of an appeal before the second respondent. It was also dismissed and the punishment imposed by the second respondent was confirmed.

4. The learned counsel appearing for the petitioner would submit that during the enquiry, the petitioner brought to furnish adverse report relied in the charge memo and furnished the list of witnesses and depositions. However, it was not provided with and as such, no proper opportunity was given to the petitioner during the enquiry.

5. A perusal of the records reveals that originally, the petitioner was imposed with punishment of stoppage of one increment without cumulative effect. It was set aside by this Court and remanded the matter back for fresh enquiry and pass orders. Accordingly, the petitioner was given an opportunity to participate in the enquiry. In fact, even before ordering enquiry, she submitted a detailed explanation for the charge memo. Thereafter, the petitioner was given an opportunity to participate in the enquiry and even then the petitioner one after the other made request and she did not co-operate for



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enquiry. Even after enquiry, she was given an opportunity to submit her explanation by way of show cause notice. Therefore, she was given full opportunity as directed by this Court and conducted denovo enquiry by the second Enquiry Officer. The Appellate Authority, viz., the second respondent, also passed a detailed order and the order passed by the third respondent was confirmed. Hence, this Court finds no infirmity or illegality in the order passed by the third respondent. Thus, the writ petition is devoid of merits and it is liable to be dismissed.

6. Accordingly, this Writ Petition stands dismissed.

Consequently, connected miscellaneous petitions are closed. No costs.

08.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To



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G.K.ILANTHIRAIYAN. J,



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