



WP(MD)No.11438 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.11438 of 2021

and

WMP(MD)Nos.8942, 8944 of 2021

N.Jeyachandran

.. Petitioner

v.

1.The Director of Elementary Education,
DPI Campus,
Chennai – 600 006.

2.The Chief Educational Officer,
Chief Educational Office,
Madurai.

3.The District Educational Officer,
Thirumangalam Educational District,
Thirumangalam – 625 706.
Madurai District.

4.Indirani

5.The Block Educational Officer – II,
Kallikudi Union – 65 701,
Thirumangalam Educational District,
Madurai District.



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6.A.Chinnavellaichamy

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7.P.Arumugam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Na.Ka.No.174/A1/2019 dated 26.03.2021 passed by the respondents 3 & 4, quash the same in respect of the seventh respondent and consequently, directing the respondents 1 & 2 to take appropriate action against the erring officials, viz., respondents 4 to 6.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R.1 to R.3, R.5

Mr.Mohammed Imran
for M/s.Ajmal Associates
for R.7

No appearance for R.4, R.6



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ORDER

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The petitioner, with a grievance that the disciplinary proceedings initiated as against the seventh respondent was dropped by the respondents 3 & 4, has filed this writ petition questioning the exoneration of the seventh respondent from the disciplinary proceedings.

2.The grievance of the petitioner is that the seventh respondent has issued a defamatory message as against this petitioner and two others. Therefore, a disciplinary proceedings was initiated as against the seventh respondent by suspending him. Later, without any reasons and without issuing a charge memo, the third respondent has dropped the proceedings. Therefore, the petitioner has filed this writ petition that the disciplinary proceedings initiated on 04.02.2019 has to be culminated with an order of enquiry.

3.This Court considered the rival submissions made on either side and also perused the materials placed on record.



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4.It appears that based on a WhatsApp message during the Jacto-Geo agitation, a complaint was made by the petitioner that he has been defamed by the seventh respondent and therefore, the Department has also placed the seventh respondent under suspension. Later, the Department has come to a conclusion that it is not a fit case for proceeding with the departmental enquiry and appears to have dropped the proceedings, pursuant to G.O.No.9, Personnel and Administrative Reforms Department, dated 02.02.2021.

5.The Government has taken a policy decision to drop action as against all the persons who participated in the Jacto-Geo agitation at that relevant point of time and accordingly, the Government has passed G.O.No.9, Personnel and Administrative Reforms Department, dated 02.02.2021. Based on this Government Order, the further proceedings against the seventh respondent was also dropped. Therefore, the action of the official respondents cannot be found fault with.



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6.Now, the grievance of the petitioner is that he has been defamed by the communication made by the seventh respondent, among his colleagues, which does not form part with the Jacto-Geo agitation or the Government's policy decision. However, this cannot be dealt with in a departmental proceeding. If the petitioner is having any grievance that he has been defamed by way of any communication made by the seventh respondent, it is always open to the petitioner to initiate defamation proceedings as against the seventh respondent, if so advised.

Accordingly, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
gk

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B.PUGALENDHI, J.

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