



W.P.(MD)Nos.18856 and 22687 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2024

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)Nos.18856 and 22687 of 2019**

**and**

**W.M.P.(MD)Nos.15192, 15193 and 19448 of 2019**

**and 981 and 1094 of 2020**

**W.P.(MD)No.18856 of 2019**

C.S.Asha Chitra

... Petitioner

versus

1. The Director of Elementary Education,  
D.P.I.Campus,  
College Road,  
Nungambakkam,  
Chennai – 600 006.
2. The District Educational Officer,  
Aranthangi,  
Pudukkottai District.
3. The Block Educational Officer,  
Thiruvarankulam Union,  
Alangudi Taluk,  
Pudukkottai District.



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4. The Headmaster,  
Panchayat Union Middle School,  
Thirukkatalai,  
Alangudi Taluk,  
Pudukkottai District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 3<sup>rd</sup> respondent in Na.Ka.No.1459/A1/2019, dated 03.07.2019 and Na.Ka.No.1459/A1/2019 dated 24.07.2019 and quash the same.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.G.V.Vairam Santhosh,  
Additional Government Pleader

**W.P.(MD)No.22687 of 2019**

C.S.Asha Chitra

... Petitioner

versus

1. The Director of Elementary Education,  
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3. The Block Educational Officer,  
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4. The Headmaster,  
Panchayat Union Middle School,  
Thirukkatalai,  
Alangudi Taluk,  
Pudukkottai District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records pertaining to the impugned charge memo issued by the 2<sup>nd</sup> respondent in Na.Ka.No. 4219/A4/2019, dated 30.09.2019 and quash the same.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.G.V.Vairam Santhosh,  
Additional Government Pleader

### **COMMON ORDER**

The petitioner is a Secondary Grade Teacher working in the 4<sup>th</sup> respondent School. While so, she was issued with a charge memo dated 30.09.2019 that she has availed excess leave above the eligible leave period. Consequently, the 3<sup>rd</sup> respondent, by his proceedings dated 03.07.2019, recasted the excess leave period. Thereafter, the 3<sup>rd</sup> respondent, by his proceedings dated 24.07.2019, directed the petitioner to pay a sum of

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Rs.4,33,309/- for the excess leave period availed by her. Challenging the order of recasting the excess leave period dated 03.07.2019 and the order of recovery dated 24.07.2019, the petitioner has filed W.P.(MD)No.18856 of 2019. Further, the petitioner has filed W.P.(MD)No.22687 of 2019 challenging the charge memo dated 30.09.2019.

2. The learned counsel appearing for the petitioner submits that the petitioner was eligible for B.T. Assistant, however, her name was not included in the panel. Therefore, she filed a writ petition in W.P.(MD)No. 15612 of 2012, wherein, this Court, by order dated 05.12.2012 directed the 3<sup>rd</sup> respondent to include her name in the panel and only thereafter, she was included in the panel and she was promoted as B.T.Assistant on 02.01.2013. Therefore, according to the petitioner, for having filed a writ petition as against the 3<sup>rd</sup> respondent, the 3<sup>rd</sup> respondent has initiated action against the petitioner that she has availed excess leave. The learned counsel further submits that the petitioner has requested the 3<sup>rd</sup> respondent to furnish the relevant documents and SR book, however, the same was not furnished to the petitioner. Without furnishing the documents, the 3<sup>rd</sup> respondent held that the petitioner has availed the leave in excess and directed the petitioner



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to remit a sum of Rs.4,33,309/-.

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3. With regard to the impugned charge memo dated 30.09.2019 in W.P.(MD)No.22687 of 2019, the learned counsel for the petitioner submits that the impugned charge memo dated 30.09.2019 was issued under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules that the petitioner has beaten some students, however, the details with regard to the date of occurrence, time of occurrence and the student's name, who was beaten by the petitioner, have not been disclosed in the impugned charge memo. Therefore, the impugned charge memo has been issued in a vague manner with a *mala fide* for having filed W.P.(MD)No.15612 of 2012 in the year 2012.

4. With regard to the excess leave availed by the petitioner, the learned Additional Government Pleader appearing for the respondents submits that the petitioner was called for an explanation by a memo dated 20.06.2019 and on the request of the petitioner, all the documents, including the SR book, were provided to the petitioner on 11.07.2019 and only thereafter, the impugned order of recovery has been passed. The learned



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Additional Government Pleader further submits that the petitioner herself has made a request that she would pay the amount on instalment basis.

Now, the petitioner has taken a stand that she has not been provided any documents.

5. With regard to the charge memo dated 30.09.2019, the learned Additional Government Pleader submits that the petitioner has assaulted one student, by name, Priyadharshini, who studied in 5<sup>th</sup> standard and on the complaint given by the parents of the said Priyadharshini, the petitioner was issued with the impugned charge memo dated 30.09.2019.

6. This Court considered the rival submissions made and perused the materials placed on record.

7. With regard to the writ petition in W.P.(MD)No.18856 of 2019, admittedly, the petitioner has availed 437 days leave. However, she is eligible for medical leave to an extent of 180 days. Therefore, the respondents have initiated an action against the petitioner for reimbursement of the amount which has been paid for excess leave availed



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by the petitioner. The petitioner claims that she was not furnished with the document. However, the learned Government Pleader has produced a letter and submits that she was furnished with the documents on 11.07.2019. The letter produced herein was written by the Headmaster. Therefore, this Court is not satisfied that the petitioner was provided with sufficient opportunity before passing the order of recovery dated 24.07.2019.

8. W.P.(MD)No.22687 of 2019 is filed as against the charge memo dated 30.09.2019. The impugned charge memo dated 30.09.2019 has been issued as if the petitioner has assaulted some students. However, the impugned charge memo has not disclosed about the details of students, who have been assaulted by the petitioner and under what circumstances, the petitioner assaulted them. The respondents have taken a stand that one student, by name, Priyadharshini, was assaulted by the petitioner and based on the complaint given by the parents of the said Priyadharshini on 21.10.2019, the impugned charge memo has been issued. Admittedly, the said student, Priyadharshini, would have left the School by this time. Therefore, remanding this matter for fresh enquiry would not serve any purpose. Therefore, the charge memo dated 30.09.2019 is hereby quashed.



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9. Accordingly, both the writ petitions are partly allowed with a direction to the respondents to furnish the documents, which can be furnished to the petitioner and also permit the petitioner to peruse the remaining documents on 21.01.2025 and thereafter, take a decision by passing a detailed order within a period of eight weeks from thereon. No costs. Consequently, connected miscellaneous petitions are closed.

**02.12.2024**

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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**B.PUGALENDHI, J.**

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