



W.P.(MD)No.18317 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18317 of 2024

and

W.M.P(MD) No.15594 of 2024

N.Alagar
Phase II, Stage 1,
TNHB Colony,
Keelanatham, KTC Nagar,
Maharaja Nagar – Post,
Tirunelveli District.

... Petitioner

Vs.

1. The Joint Director of School Education,
(Higher Secondary)
Chennai – 600 006.
2. The Chief Educational Officer,
Tuticorin District.
3. The Head Master,
Government Girls Higher Secondary School,
Eral, Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.No.066783/W2/E3/2022, dated 09.01.2023 and quash the same.



W.P.(MD).No.18317 of 2024

For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

The instant Writ Petition has been filed by a P.G.Assistant (Zoology) working in the third respondent School, challenging the charge memo dated 09.01.2023, on the ground that the charges are vague and hence they are liable to be quashed.

2. A perusal of the charge memo indicates that the petitioner has been charged for misconduct of alleged sexual harassment of a girl student studying in the 12th standard. According to the petitioner, even the date of such harassment has not been mentioned and the allegations are vague in nature and therefore, they are liable to be set aside.

3. Per contra, the learned Government Advocate appearing for the respondents herein had contended that pursuant to the charge memo dated 09.01.2023, the petitioner has submitted his detailed explanation on 02.02.2023. Thereafter, Enquiry Officer has been appointed on 22.02.2024.



W.P.(MD).No.18317 of 2024

WEB COPY

The Enquiry Officer has fixed the date of enquiry on 28.02.2024. However, due to the examination, the enquiry could not be proceeded with. He further submitted that considering the allegations, this Court may not interfere at the stage of charge memo.

4. Heard both sides.

5. The petitioner has been charged for misconduct of the sexual harassment of girl student studying in the 12th standard in the third respondent school. Considering the seriousness of the allegations as against the writ petitioner, this Court is not inclined to interfere in the charge memo. Enquiry Officer has been appointed in February 2024 itself. However, the Department has not proceeded with the enquiry for the past 9 months.

6. Therefore, this Court is inclined to direct the respondents and the concerned Enquiry Officer to complete the enquiry on or before **28.02.2025**. On receipt of the enquiry report, the first respondent is directed to pass orders after giving due opportunity to the writ petitioner within a period of four weeks from the date of receipt of the enquiry report.



W.P.(MD).No.18317 of 2024

WEB COPY

7. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

20.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Joint Director of School Education,
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W.P.(MD).No.18317 of 2024

R.VIJAYAKUMAR,J.

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W.P(MD)No.18317 of 2024

20.11.2024