



W.A(MD)No.1098 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM :

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**  
**and**  
**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.A(MD)No.1098 of 2017**  
**and**  
**CMP(MD)Nos.7532 and 7533 of 2017**

1. The District Elementary Educational Officer,  
O/o. The District Elementary Educational Officer,  
Ramanathapuram,  
Ramanathapuram District.

2. The Additional Assistant Elementary Educational Officer,  
O/o. The Assistant Elementary Educational Officer,  
Kamuthi,  
Ramanathapuram District.

... Appellants

vs.

1. S.Muthumari  
2. K.Ravikumar

... Respondents

Appeal filed under Clause 15 of Letters Patent, against the  
common order dated 25.05.2017 in W.P(MD)No.9998 of 2017.



W.A(MD)No.1098 of 2017

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For Appellant : Mr.D.Sadiq Raja  
Additional Government Pleader  
For R1 : Mr.T.Aswin Rajasimman for  
M/s.Lajapathi Roy & Associates

## **J U D G M E N T**

**(Judgment of the Court was made by V.BHAVANI SUBBAROYAN, J.)**

The 1<sup>st</sup> respondent/writ petitioner filed writ petition challenging the charge memo issued to her contending that the 2<sup>nd</sup> appellant has no jurisdiction to issue the same. Considering the contention of the writ petitioner, the learned Single Judge set aside the charge memo and remanded the matter to the 2<sup>nd</sup> appellant to send the same to the appropriate authorities for fresh consideration and also granted liberty to the appellants to pass orders on merits and in accordance with law after affording sufficient opportunity to the writ petitioner. Aggrieved by the said order, the Education Department has come up with this appeal.

2. Learned Additional Government Pleader appearing for the appellants contended that the Writ Court ought not to have allowed the writ petition at the admission stage without affording opportunity to the appellants to file counter. He further submitted that no material was



W.A(MD)No.1098 of 2017

placed before the Writ Court by the writ petitioner to substantiate her contention that the 2<sup>nd</sup> appellant has no jurisdiction to issue charge memo. He further submitted that the Writ Court ought to have seen that G.O.Ms.No.585, Education, Science and Technology Department, dated 15.07.1994 prescribes the powers and duties of the Assistant Elementary Educational Officer which includes the power to initiate disciplinary proceedings under Rule 17(a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and the same has been reaffirmed in G.O.Ms.No.500, Education, Science and Technology Department, dated 26.06.1995. Learned Additional Government Pleader also relied upon Clause (12) of G.O.Ms.No.1228, Education, Science and Technology Department, dated 30.12.1994 and submitted that the said clause specifically empowers the 2<sup>nd</sup> appellant to initiate disciplinary proceedings under Rule 17(a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and therefore, he prayed that the impugned order passed by the Writ Court is liable to be set aside and the Writ Appeal is to be allowed.

3. Perusal of G.O.Ms.No.1228, Education, Science and Technology Department, dated 30.12.1994 shows that under the head of



W.A(MD)No.1098 of 2017

'Distribution of Work', sub-heading of 'Work of the Sub Block Assistant Educational Officers-I and II in respect of Panchayat and Municipal Schools' the powers and duties of the said official has been explained. Clause (12) of the said sub-heading states that the Sub Block Assistant Educational Officers-I and II have jurisdiction to initiate disciplinary proceedings under Rule 17(a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules (except suspension) and to award minor punishments to all Teachers and Headmasters of primary schools. While the writ petitioner was working as Headmaster in the Panchayat Union Primary School, Sathurnayakanpatti, Kamuthi Union, she was issued with a charge memo by the 2<sup>nd</sup> appellant. Therefore, it cannot be said that the 2<sup>nd</sup> appellant did not have jurisdiction to issue the charge memo in view of Clause (12) stated supra. Even in the impugned order, the learned Single Judge while remanding the matter to the 2<sup>nd</sup> appellant, has directed him to send the matter to the appropriate authorities for fresh consideration and also granted liberty to the appropriate authorities to pass orders on merits and in accordance with law after affording sufficient opportunity to the writ petitioner. Therefore, the order of the Writ Court cannot be faulted at any stretch of imagination. Instead of filing this appeal taking a technical stand on jurisdiction, the 2<sup>nd</sup> appellant



W.A(MD)No.1098 of 2017

could have disposed of the matter either by himself as per the aforesaid Government Orders or entrusted the matter with the appropriate authorities as directed by the learned Single Judge. The writ appeal is pending from 2017. More than seven years have lapsed.

4. Therefore, the 2<sup>nd</sup> appellant is directed to proceed further with the matter and pass appropriate order on merits and in accordance with law after affording sufficient opportunity to the writ petitioner. Such an exercise shall be completed within a period of 16 weeks from the date of receipt of a copy of this judgment.

5. With the above direction, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(V.B.S., J.) (K.K.R.K., J.)  
07.03.2024

Index : Yes / No  
Neutral Citation : Yes / No  
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W.A(MD)No.1098 of 2017

**V.BHAVANI SUBBAROYAN, J.**  
**and**  
**K.K.RAMAKRISHNAN, J.**

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To

1. The District Elementary Educational Officer,  
O/o. The District Elementary Educational Officer,  
Ramanathapuram,  
Ramanathapuram District.

2. The Additional Assistant Elementary Educational Officer,  
O/o. The Assistant Elementary Educational Officer,  
Kamuthi,  
Ramanathapuram District.

**JUDGMENT MADE IN**  
**W.A(MD)No.1098 of 2017**  
**DATED : 07.03.2024**