



W.P.No.18745 of 2012

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18745 of 2012

and

M.P.No.1 of 2012

K.Jayaraman

... Petitioner

Vs.

1.The Joint Director of School Education,
Nungambakkam,
Chennai – 600 006.

2.The Chief Educational Officer,
Nagapattinam,
Nagapattinam District.

3.The District Educational Officer,
Mayiladuthurai,
Mayiladuthurai Taluk,
Nagapattinam District.

4.Head Master,
Government Higher Secondary School,
Nangur, Sirkazhi Taluk,
Nagapattinam District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records passed in Mu.Mu.No.067235/C4/E2/2010 dated 12.01.2012 on the file of the 1st respondent and quash the same and direct the respondents 2 and 3 to pay petitioner's arrears of salary, allowances and other monetary benefits due to the petitioner.

For Petitioner : Mr.S.Sadasharam

For Respondents : Mr.S.Prabhakaran
Government Advocate
for R1 to R3

ORDER

This Writ Petition is of the year 2012. At the time of filing of the Writ Petition, the Petitioner was aged about 56 years, as is evident from preamble of the Affidavit filed in support of the Writ Petition.

2. In this Writ Petition, the Petitioner has challenged the Order dated 12.01.2012 of the 1st Respondent (hereinafter referred to as the 'Impugned Order') dismissing the Petitioner's Appeal against the Order dated 18.06.2011 passed by the 2nd Respondent bearing reference Na.Ka.No.9693/Aa4/2009. The Impugned Order dated 12.01.2012 of the



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1st Respondent and the Order dated 18.06.2011 of the 2nd Respondent are bereft of any details and discussion.

3. By the Order dated 18.06.2011 of the 2nd Respondent, the Petitioner was imposed with a punishment of stoppage of two increments without cumulative effect. This is pursuant to the Charge Memo dated 22.02.2010 that was issued to the Petitioner in respect of certain deviant behaviour exhibited by the Petitioner while serving as a Physical Training Teacher in the 4th Respondent School during the year 2009.

4. The facts on record that the Charge Memo dated 22.02.2010 was issued to the Petitioner on the same date i.e., on 22.02.2010. It appears to have been replied back by the Petitioner. However, neither the Charges framed against the Petitioner in the Charge Memo dated 22.02.2010 nor any reference to the Charge Memo is found in the Punishment Order dated 18.06.2011 passed by the 2nd Respondent.

5. The case of the Petitioner is that the Headmaster/the 4th Respondent nurses hostility against the Petitioner and therefore based on



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some false complaint given by some of the parents of the wards of the 4th Respondent School, the aforesaid Charge Memo dated 22.02.2010 was issued against the Petitioner under Rule 17b of the Tamil Nadu Civil Service and Discipline Rules, 1955.

6. It is the further case of the Petitioner that the punishment has been imposed vide Punishment Order dated 18.06.2011 of the 2nd Respondent under Rule 17A read with Rule 8 of the Tamil Nadu Civil Service and Discipline Rules, 1955 without proper enquiry and without furnishing any of the material that form basis of the aforesaid Charge Memo dated 22.02.2010.

7. I have considered the arguments advanced by the learned counsels on either side and have also perused the materials on record.

8. In the enquiry proceedings of the 2nd Respondent, the aforesaid complaints and the documents ought to have been annexed and thereafter a punishment order ought to have been passed after providing an opportunity of hearing to the Petitioner. Since there is a gross violation



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of Principles of Natural Justice, this Court is inclined to set aside the Impugned Order dated 12.01.2012 affirming the Punishment Order dated 18.06.2011 of the 2nd Respondent and remits the case back to the 2nd Respondent to pass a fresh order on merits.

9. It is made clear that since the complaints are regarding sexually deviant behaviour of the Petitioner, the 2nd Respondent shall consider the march of law relating to the abuse of young persons and children which have been implemented before passing final order. This exercise shall be carried out by the Respondents within a period of six months from the date of receipt of a copy of this order.

10. This Writ Petition stands disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

14.03.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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C.SARAVANAN, J.

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