



W.P.No.16306 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.04.2025

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**Coram:
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.P.No.16306 of 2016
and W.M.P.No.14093 of 2016**

T.Jeyarani

...Petitioner

Versus

- 1.The Secretary to the Government of Tamilnadu,
School Education Department,
St.George Fort, Chennai.
- 2.The Director of School Education,
College Road,
Chennai – 8.
- 3.The Chief Educational Officer,
Saidapet,
Chennai – 15.
- 4.The District Educational Officer,
Chennai North,
Chennai – 08.
- 5.The Secretary,
T.V.K.Higher Secondary School,
Shenoy Nagar,
Chennai – 600 030.

6.S.Giridharan

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for entire records pertaining to the illegal impugned Inquiry Report dated 23.09.2014 of the Inquiry Officer the 6th Respondent and quash the same and consequently, direct the first respondent to take appropriate action against the 5th & 6th Respondents for criminal nature of harassment of the petitioner and fabrication of Govt. Records and misleading High Court and obtaining Court order by playing fraud game.

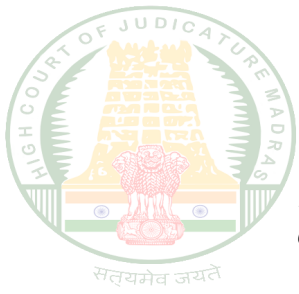
For Petitioners	:	No Appearance
For Respondents – 1 to 4:		Mr.S.Prabhakaran, Government Advocate
For Respondent – 5	:	M/s.J.Jayamalan

ORDER

The relief sought in this Writ Petition is to quash the Enquiry Report dated 23.09.2014 of the 6th Respondent and consequently, direct the 1st Respondent to take appropriate action against the Respondents 5 & 6.

2. The brief facts of the case are that the Petitioner was issued with a Charge Memo and Suspension Order dated 01.08.2014 by the 5th Respondent pursuant to the Proceedings dated 24.10.2013 bearing Na.Ka.No.6161/A6/2013 issued by the 3rd Respondent. The Charges framed against the Petitioner in the Charge Memo dated 01.08.2014 are as follows:

“Charge No.1: Based on the proceedings of the Chief Educational Officer in Na.Ka.No.6161/A6/2013 dated 24.10.2013, Tmt.T.Jeyarani has



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involved and awarded higher marks to the Registration Nos.11980, 12002 and 12146 to promote the students who were failed in the Maths subject.

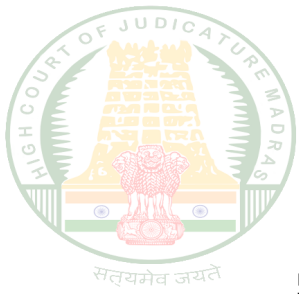
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Charge No.2: *By virtue of the 1st Charge, Tmt.T.Jeyarani has violated the provisions of the Code of Conduct and committed gross misconduct as per the Tamil Nadu Recognized Private Schools (Regulation) Act & Rules.”*

Challenging the aforesaid Charge Memo and Suspension Order dated 01.08.2014 issued by the 5th Respondent, the Petitioner filed a Writ Petition in W.P.No.23922 of 2014 before this Court.

3. During the pendency of aforesaid Writ Petition, the 5th Respondent vide Proceedings dated 22.08.2014 bearing Na.Ka.No.124/D.P/2014, directed the Petitioner to appear before the Enquiry Committee on 28.08.2014, pursuant to which, the Petitioner attended the enquiry on 28.08.2014. The enquiry was conducted by the 6th Respondent. After the completion of enquiry, the 6th Respondent filed the Enquiry Report on 23.09.2014.

4. The 5th Respondent served the aforesaid Enquiry Report to the Petitioner. After receipt of the Enquiry Report, the Petitioner sent a Communication dated 17.02.2015 to the 5th Respondent, seeking explanation for appointment of the 6th Respondent as Enquiry Officer.



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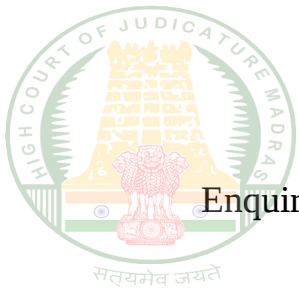
5. While so, this Court vide Order dated 16.03.2015, disposed of W.P.No.23922 of 2014 with a direction to the 5th Respondent to reinstate the Petitioner in service. Pursuant to the said Order of this Court, the 5th Respondent filed a Review Petition No.55 of 2014, but, the same was dismissed.

6. Aggrieved by the dismissal of Review Petition, the 5th Respondent preferred a Writ Appeal in W.A.No.657 of 2015. However, the Division Bench of this Court vide Judgment dated 21.04.2015 disposed of the said Writ Appeal with the following observation:

“5. Be that as it may, insofar as the right of the first respondent to question the order to be passed, there can be no dispute in this regard and she is always at liberty qua the same. Likewise, the appellant is always at liberty to re-consider the nature of punishment proposed to be imposed on the first respondent. However, we make it clear that we are not directing holding of a fresh enquiry, which had already been completed and recommendation, on the basis of the same, has been made.

6. Resultantly, the Writ Appeal stands disposed of with the above observations. No costs. Connected Miscellaneous Petitions are closed.”

7. On 06.04.2015, the Petitioner submitted an Application under Right to Information Act, 2005 regarding the appointment of the 6th Respondent as Enquiry Officer, to which, the 3rd Respondent vide Letter dated 10.04.2015 stated that the 6th Respondent has not been appointed as an



Enquiry Officer in this matter.

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8. In this background, the 5th Respondent vide Order dated 06.10.2015, imposed the punishment of “stoppage of increment for three years with cumulative effect” on the Petitioner. Challenging the said Punishment Order, the Petitioner filed a Writ Petition in W.P.No.33897 of 2015. This Court vide Order dated 13.10.2015 in M.P.No.1 of 2015 in W.P.No.33897 of 2015, granted an order of interim stay in favour of the Petitioner.

9. On 12.02.2016, the Petitioner filed a complaint against the 6th Respondent under Section 35(1) of the Advocates Act, 1961. Finally, left with no other alternative, the Petitioner has filed this Writ Petition for the relief stated *supra*.

10. Today, when this Writ Petition was taken up for hearing, none appeared on behalf of the Petitioner.

11. The learned counsel for the 5th Respondent submitted that the Writ Petition in W.P.No.33897 of 2015 filed by the Petitioner is still



pending on the file of this Court and the 4th Respondent has filed a detailed Counter Affidavit in W.P.No.33897 of 2015. It is stated that while W.P.No.33897 of 2015 is pending, the Petitioner has filed the present Writ Petition challenging the Enquiry Officer Report dated 23.09.2014 submitted by the 6th Respondent.

11.1. The learned counsel for the 5th Respondent further submitted that the Petitioner filed W.P.No.23922 of 2014 for the relief of quashing the Charge Memo and Suspension Order dated 01.08.2014. While so, during the pendency of W.P.No.23922 of 2014, the Petitioner filed another Writ Petition in W.P.No.24978 of 2014 for the very same relief which the Petitioner had already sought in W.P.No.23922 of 2014.

11.2. It is submitted by the learned counsel for the 5th Respondent that W.P.No.24978 of 2014 was dismissed by this Court vide Order dated 15.09.2014, but, suppressing the dismissal of W.P.No.24978 of 2014, the Petitioner obtained the Order dated 16.03.2015 in W.P.No.23922 of 2014.

12. As far as this case is concerned, the Petitioner filed a Writ



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Petition in W.P.No.33897 of 2015, challenging the Punishment Order dated 06.10.2015 passed by the 5th Respondent and the same is pending on the file of this Court. Under these circumstances, the Petitioner has filed this Writ Petition challenging the Enquiry Report dated 23.09.2014 submitted by the 6th Respondent. The challenge to the jurisdiction of the 6th Respondent to issue the Enquiry Report dated 23.09.2014 separately in this Writ Petition cannot be countenanced. Hence, this Writ Petition is liable to be dismissed.

13. Accordingly, this Writ Petition is dismissed. However, it is made clear that the observation made in this order shall not be in any manner prejudicial to the Petitioner's rights in W.P.No.33897 of 2015.

14. In the result, this Writ Petition is dismissed with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

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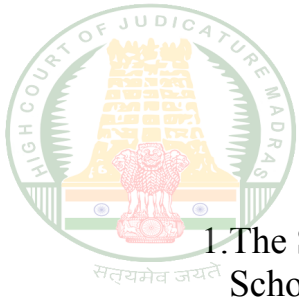
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Index : Yes/No

Speaking Order (or) Non-Speaking Order

To

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C.SARAVANAN, J.



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