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W.P.No. 33848 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.01.2025

Coram:

THE HONOURABLE Mrs.V.BHAVANI SUBBAROYAN

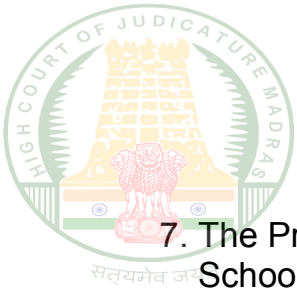
W.P.No.33848 of 2024 &
W.M.P.No.36663 of 2024

Raja Thavamani

Vs.

...Petitioner

1. The Commissioner of School Education,
Chennai – 6
2. The District Educational Officer
(Secondary)
Virudhachalam
Cuddalore District
3. The Chief Educational Officer,
Karur, Karur District
4. The Joint Director (Administration)
cum Enquiry Officer,
State Educational Research cum
Training Officer,
Chennai – 600006
5. The Joint Director (personal)
Directorate of School Education,
Chennai – 600 006
6. The Director
Directorate of School Education,
Chennai – 600 006



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7. The Principal Secretary to Government,
School Education, Secretariat,
Chennai – 9

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent vide proceeding in Na.Ka.No.24460/A1/E2/2022-2 dated 27.12.2022 and quash the same.

For Petitioner : Mr.V.Shanmugasundaram

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader [Education]

ORDER

The present Writ Petition has been filed for an issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent vide proceeding in Na.Ka.No.24460/A1/E2/2022-2 dated 27.12.2022 and quash the same.

2. The brief facts of the case, as averred by the petitioner are as follows:-

The petitioner was appointed as Junior Assistant on 08.09.1983 and promoted as Assistant on 02.01.1994 and subsequently, became superintendent on 02.07.2008. Thereafter, the petitioner was promoted as personal assistant on 06.07.2013 and thereby completed 41 years of service without any remarks. In



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addition, the petitioner is about to retire from service on 31.01.2025. The 3rd respondent in Na.Ka.No.1500/E.2/2022 initiated disciplinary action by way of proceedings dated 10.03.2022 and directed the petitioner to explain for the charge indicating that the petitioner has not signed the papers pertaining to selection list of employees from Kadavur Educational Officer dated 01.01.2021 and 15 days time was also provided. On 14.03.2022, petitioner explained the fact that normally all the files were not at all received by the Superintendent.

(ii) Moreover, the charges framed against the petitioner does not have any prima facie of evidence and the seniority list of all the primary school teachers list dated 01.01.2019, 01.01.2020 and 01.01.2021 were not sent to the petitioner for consideration at any point of time. In order to avoid the petitioner's immediate promotion and future increment benefits, the order has been passed by the 1st respondent, hence this petition.

3. The learned counsel for the petitioner submitted that the petitioner has sent representations to all the respondents in the subject matter in issue and no action has been taken. That apart, only in order to harass the petitioner and to avoid his immediate promotion and future increments, the impugned order has been passed, thereby seeks to set aside the same.



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4. The learned Special Government Pleader appearing for the respondents contend that the charges levelled against the petitioner are serious in nature and thereby seeks time to conduct and conclude the enquiry.

5. On going through the documents placed on record it is seen that the charges levelled against the petitioner is that he has acted against the provisions of Rule 17(b) of Tamilnadu Civil Service (Discipline and Appeal), wherein one Mohan was directed to include in the selection for english graduate teachers list. It is also brought to the notice of this Court that the enquiry officer has been appointed and the enquiry is pending.

6. Considering the above said facts and circumstances of the case and taking note of the fact that 17(b) proceedings are pending against the petitioner and the fact that the 4th respondent has been appointed as enquiry officer, this Court is inclined to direct the 4th respondent to conduct and conclude the enquiry on day today basis and pass appropriate orders within a period of 16 weeks from the date of receipt of copy of a order on merits and in accordance with law, after affording reasonable opportunity to the petitioner. It is open to the petitioner and the authorities to exchange the documents relied by them. It is made clear that



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the petitioner shall not seek unnecessary adjournments. Also, this Court is not inclined to decide anything with regard to retirement of the petitioner and it is open to the respondents / authorities to take a decision.

With the above said observation, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

28.01.2025

Index : Yes / No;
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd
To

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V.BHAVANI SUBBAROYAN, J.

ssd

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