



W.P.(MD)No.16536 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16536 of 2025

and

W.M.P.(MD)N.12560 of 2025

M.Samuel

... Petitioner

-VS-

1.The Joint Director of School Education (Higher Secondary),
College Road,
Chennai – 600 006.

2.M.Sivakumar,
Chief Educational Officer,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to consider and pass orders on the petitioner's representation dated 29.05.2025 seeking to change the second respondent herein as Enquiry Officer and to appoint some other impartial enquiry officer and for appointment of an advocate or defence assistant to defend petitioner in the enquiry proceedings.

For Petitioner : Mr.E.V.N.Siva

For R1 : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

This Writ Petition has been filed seeking a direction to the first respondent to consider and pass orders on the petitioner's representation dated 29.05.2025, wherein the petitioner has sought the replacement of the second respondent as the Enquiry Officer and the appointment of another impartial officer in his place, as well as permission to engage an advocate or defence assistant to represent him in the enquiry proceedings.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the second respondent, notice to the second respondent is hereby dispensed with.

4. According to the petitioner, he is a Post Graduate Teacher (English) serving in the Government Higher Secondary School, Kollemcode. A charge memo dated 17.10.2024 was issued by the first respondent under Na.Ka.No. 067477/W3/E3/2023, alleging five charges based on Crime Nos.183/2023 and 184/2023. The petitioner duly submitted his explanation on 06.11.2024 denying



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the charges. Subsequently, the first respondent appointed the second respondent as the Enquiry Officer *via* proceedings dated 19.04.2025. The petitioner was called to attend the enquiry on 29.05.2025. During the said enquiry, the petitioner requested copies of 20 relevant documents; a list of witnesses proposed to be examined; and also requested to engage an Advocate or Defence Assistant. Despite these legitimate requests, the second respondent failed to provide any of the requested documents or a list of witnesses. Moreover, the second respondent denied permission for the petitioner to engage an Advocate or Defence Assistant, thereby violating basic principles of a fair enquiry. Further, the presence of the second respondent in the company of Accused No.1 and Accused No.2 named in Crime No.184/2023, has created a reasonable apprehension in the mind of the petitioner regarding the fairness and impartiality of the enquiry proceedings. Hence, the petitioner submitted a representation dated 29.05.2025 to the first respondent. However, till date, no response has been received and the petitioner's request remains pending without consideration.

5. Heard the learned counsel appearing for the parties.

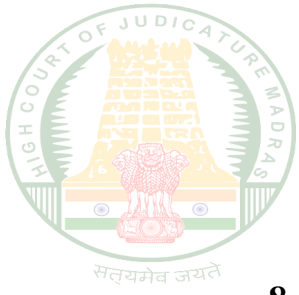


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6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 29.05.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the second respondent herein, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.



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8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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To:-

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VIVEK KUMAR SINGH, J.

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