



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.05.2014

C O R A M

THE HONOURABLE Mr. JUSTICE R. KARUPPIAH

Writ Petition (MD) No.8610 of 2014

and

M.P. (MD) No.1 of 2014

M. THENNAVAN

.. Petitioner

Vs.

1. THE DIRECTOR OF ELEMENTARY SCHOOL EDUCATION,
DIRECTORATE OF ELEMENTARY SCHOOL EDUCATION,
D.P.I CAMPUS, COLLEGE ROAD,
NUNGAMBAKKAM, CHENNAI- 600006.

2. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
DISTRICT ELEMENTARY EDUCATION OFFICE,
R.M.S. ROAD, PANDI BAZAAR,
MADURAI- 625001, MADURAI DT.

3. THE ASSISTANT ELEMENTARY,
EDUCATIONAL OFFICER/ENQUIRY OFFICER,
MADURAI EAST, NO. 1, KAMALA STREET,
THALLAKULAM, MADURAI- 625002.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to change the enquiry officer to conduct fair enquiry pursuant to his proceedings in Na.Ka.3674/Aa2/2013, dated 05.03.2014.

For Petitioner ... Mr.R.Subramanian

For Respondents ... Mr.J.Gunaseelan Muthiah

Government Advocate

ORDER

The writ petition has been filed for Mandamus directing the 2nd respondent to change the enquiry officer to conduct fair enquiry pursuant to his proceedings in Na.Ka.3674/Aa2/2013, dated 05.03.2014.

2. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. The learned counsel appearing for the petitioner would submit that the enquiry officer, the third respondent herein has not served the relevant papers and also not properly conducted the enquiry and acted against the writ petitioner and therefore, the writ petitioner seeks to transfer the enquiry to some other officer to conduct fair enquiry in the above said proceedings.



5. The learned Government Advocate would submit that all the documents seeking by the petitioner were already served. In spite of it, the petitioner has falsely contended that the above said documents have not been served. Further, the third respondent is properly conducted the enquiry proceedings. The revision petitioner has wantonly avoided to appear in the enquiry proceedings and filed this writ petition. Therefore, prayed for dismissal of the above said writ petition.

6. Admittedly, some allegations were made against the third respondent, who is the present enquiry officer by the revision petitioner.

7. In the above said circumstances, even though the third respondent is properly conducting the enquiry, in view of the apprehension raised in the petition, this Court is of the view that the enquiry proceedings may be transferred to some other competent officer. Accordingly, the above said enquiry proceedings is transferred to the Assistant Elementary Educational Officer, Madurai West and the enquiry officer is directed to conduct the enquiry within a period of two weeks from the date of receipt of a copy of this order and pass necessary orders. The writ petitioner is also directed to co-operate with the enquiry.

8. The writ petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. THE DIRECTOR OF ELEMENTARY SCHOOL EDUCATION,
DIRECTORATE OF ELEMENTARY SCHOOL EDUCATION,
D.P.I CAMPUS, COLLEGE ROAD, NUNGAMBAKKAM, CHENNAI- 006.
2. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
DISTRICT ELEMENTARY EDUCATION OFFICE,
R.M.S. ROAD, PANDI BAZAAR, MADURAI- 001, MADURAI DT.
3. THE ASSISTANT ELEMENTARY,
EDUCATIONAL OFFICER/ENQUIRY OFFICER,
MADURAI EAST, NO. 1, KAMALA STREET,
THALLAKULAM, MADURAI- 002.
4. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
MADURAI WEST, MADURAI.

+1cc to Mr. R. Subramanian Advocate Sr.No.28806

Rj2

AA/02.06.2014/2p -6c/

W.P. (MD) No.8610 of 2014
29.05.2014