

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.32185 of 2015

and

M.P.No.1 of 2015

K.Thilagaraj

.. Petitioner

vs

1. The Director of Elementary
Education
Nungambakkam
College Road,
Chennai 600 006

2. The District Elementary
Educational Officer
Vellore, Vellore District

3. The Assistant Elementary
Educational Officer
Thimri, Vellore District

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to promote the petitioner as B.T. Assistant (English) in Themiri Panchayat Union, Vellore District notwithstanding and without prejudice to the pendency of disciplinary proceeding initiated in Pro.Na.Ka.No.4140/B2/2013 dated 20.3.2013, of the second respondent.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

2. The petitioner would state that he while working as a Secondary Grade Teacher, was said to have involved in a case registered by Vellore Taluk Police Station in Crime No.409/2012, for the alleged commission of offences under Sections 294(b), 323, 324, 456 and 307 read with 109 IPC and was arrayed as Accused No.1 and pursuant thereto, he was placed under suspension vide order of the second respondent dated 17.9.2012, and later on, pursuant to the orders passed by this Court in W.P.No.32811/2012, the order of suspension was reviewed and it was

revoked vide order dated 11.6.2013, by the second respondent and the petitioner was reinstated in service with effect from 17.6.2013.

3. The grievance expressed by the petitioner, is that on account of the pendency of criminal prosecution as well as the Departmental Proceedings, his name has not been included in the panel for promotion to the post of B.T. Assistant (English), though he is fully qualified by acquiring B.A. Literature (Tamil), B.A. Literature (English) and B.Ed. Degrees and in this regard, he has submitted a representation dated 2.6.2014, to the third respondent and since no orders have been passed, came forward to file this writ petition.

4. The learned Counsel appearing for the petitioner, would submit that the criminal case is wholly false and concocted, based on which, the Departmental Proceedings were also initiated, and the pendency of the said proceedings cannot act as an impediment for considering the claim of the petitioner for promotion to the post of B.T. Assistant (English) and prays for appropriate orders.

5. Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader, who accepted notice on behalf of the respondents, would submit that the petitioner is facing series of charges in the criminal prosecution and is also facing Departmental Proceedings under Section 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, and consequently, the petitioner as a matter of right, cannot claim promotion and prays for dismissal of this writ petition.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the second respondent to conclude the Disciplinary Proceedings initiated against the petitioner, as expeditiously as possible and pass final orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. It is needless to state that the petitioner is also expected to extend his maximum cooperation to the second respondent for early conclusion of the Departmental/Disciplinary Proceedings initiated against him. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Nsv

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To:

1. The Director of Elementary
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Chennai 600 006
2. The District Elementary
Educational Officer
Vellore, Vellore District
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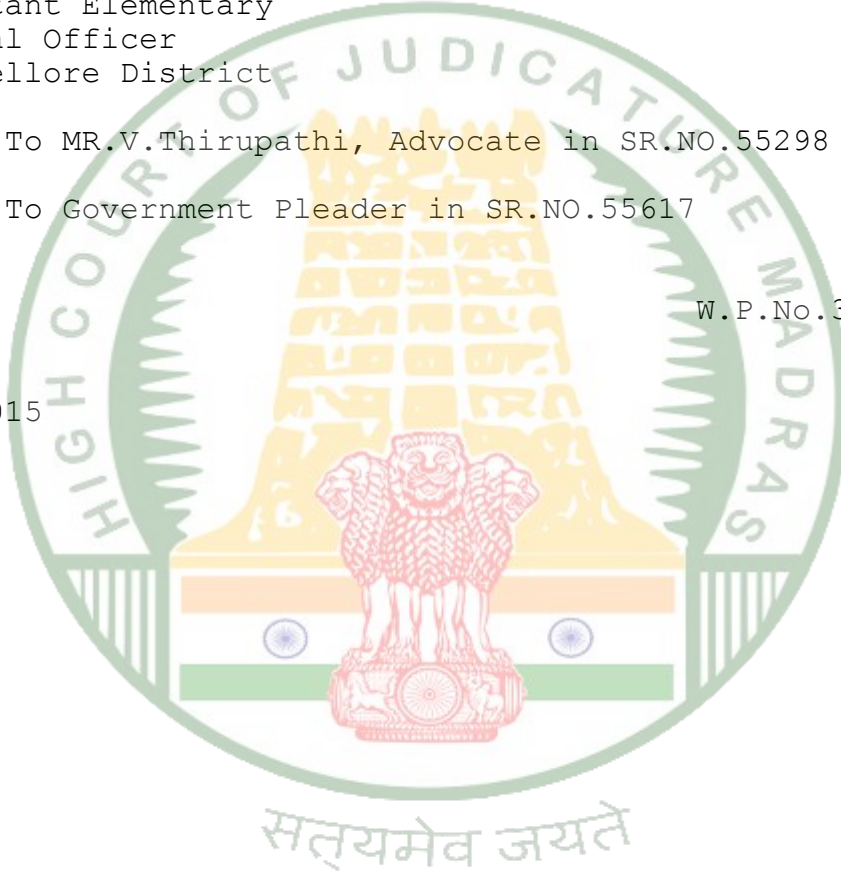
+1 C.C. To MR.V.Thirupathi, Advocate in SR.NO.55298

+1 C.C. To Government Pleader in SR.NO.55617

W.P.No.32185 of 2015

CA(CO)

sd : 28/10/2015



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