

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-08-2016

Coram

THE HON'BLE MR.JUSTICE B. RAJENDRAN

Writ Petition No.27297 of 2016

P.Velmurugan

.. Petitioner

Vs.

1.The Director of School Education
D.P.I.Campus
College Road
Nungambakkam
Chennai-600 006.

2.The Joint Director (Higher Secondary) of School Education
D.P.I. Campus
College Road
Nungambakkam
Chennai-600 006.

3.The Chief Educational Officer
Cuddalore.

4.The Chief Educational Officer
Villupuram.

... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the 2nd respondent to pass final orders on the disciplinary proceedings initiated in Na.Ka.No.75755/W3/E3/2014, dated 11.12.2014, based on the Enquiry Report submitted by the 4th respondent herein, dated 03.06.2015 and include the petitioner's name in the promotion panel to the post of Head Master for the year 2016 and pass such further orders as this Court may deem fit and proper.

For Petitioner :Mr.S.V.Karthikeyan

For Respondents :Mr.K.Rajendra Prasad
Government Advocate

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 2nd respondent to pass final orders on the disciplinary proceedings initiated in Na.Ka.No.75755/W3/E3/2014, dated 11.12.2014, based on the Enquiry Report submitted by the 4th respondent herein, dated 03.06.2015 and include the petitioner's name in the promotion panel to the post of Head Master for the year 2016.

3. The petitioner joined the service as P.G.Assistant (English) in Government Boys Higher Secondary School at Thittahudi, on 14.10.1997. The petitioner was placed under suspension, by the order of the 2nd respondent, dated 19.09.2014, alleging that the petitioner attempted to misbehave with one of the girl studying in the school. He was served with a charge memo, dated 11.12.2014, for which, the petitioner has offered his explanation, on 22.12.2014. Thereafter, an Enquiry Officer was appointed and the enquiry proceedings have commenced. Subsequently, the petitioner's suspension was revoked. The petitioner was called upon to appear for the enquiry proceedings. Pursuant to which, on completion of the enquiry proceedings, the Enquiry Officer has filed his report. He made several representations requesting the 2nd respondent to pass final orders on the disciplinary proceedings initiated in Na.Ka.No.75755/ W3/E3/2014, dated 11.12.2014, based on the Enquiry Report submitted by the 4th respondent herein, dated 03.06.2015 and include the petitioner's name in the promotion panel to the post of Head Master for the year 2016, but, his request was not given heed to. Hence, the present Writ Petition has been filed seeking the relief stated supra.

4. Mr.V.Karthikeyan, the learned counsel for the petitioner would submit that the petitioner would be satisfied, if a direction is given to the 2nd respondent, who is the Disciplinary Authority, to complete the disciplinary proceedings and to pass final orders within a short time, for which, the petitioner is willing to co-operate.

5. Mr.K.Rajendra Prasad, the learned Government Advocate, would submit that if the petitioner co-operates, the disciplinary proceedings will be completed and final orders will be passed, within a time frame stipulated by this Court.

6. The undertaking given by the learned counsel for the petitioner that the petitioner will co-operate with the disciplinary proceedings and he will attend the disciplinary

proceedings, without any default, is recorded. Having regard to the above submission made by the learned counsel on either side, this Court, directs the 2nd respondent, who is the Disciplinary Authority, to complete the disciplinary proceedings and to pass final orders, based on the Enquiry Report submitted by the 4th respondent, dated 03.06.2015, after affording sufficient opportunity to the petitioner to give his reply, on merits and in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. The petitioner is directed to attend the enquiry proceedings without any default. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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1cc to M/S.s.V.Karthikeyan, Advocate Sr.44498
+1cc to the Government Pleader Sr.44876

W.P.No.27297 of 2016

MP 1[co]
srg 22/08/2016