

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37079 of 2016

A.Rajinikanth

... Petitioner

Vs

1.Secretary to Government,
School Education Department,
6th Floor, Namakkal Kavingar Maligai,
Fort St. George, Secretariat,
Chennai-9.

2.Director of School Education,
College Road, Nungampakkam,
Chennai.

3.Joint Director (Personnel),
College Road, Nungampakkam,
Chennai.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to consider petitioner's representation dated 1.10.2016.

For Petitioner : Mr.V.Balamurugane

For Respondent : Mr.V.Ananthamoorthy,
Addl. Govt. Pleader (Education)

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to consider his representation dated 1.10.2016.

3. It is the case of the petitioner that he is working as Assistant in Government Higher Secondary School, Olakkur, Tindivanam, Villupuram District, since 21.4.2014. Prior to that,

he was working as Assistant in the office of the District Educational Officer, Tindivanam. While he was working in the office of the District Educational Officer, Tindivanam, a criminal case in Cr.No.74 of 2011 was registered as against him and he was suspended from service by order dated 8.10.2011 and a charge memo was issued on 1.2.2012. Thereafter, the petitioner gave his reply to the charge memo on 23.3.2012 and the enquiry report was furnished to him on 28.1.2015. He has also furnished his explanation to the report on 19.5.2015. Subsequently, the criminal case laid against him ended in acquittal. Though the enquiry was conducted on 10.9.2014 and the petitioner has given his reply to the enquiry report on 19.5.2015, till date, no progress in this matter. Hence, the petitioner sent a detailed representation dated 1.10.2016 to the respondents to consider his case sympathetically. But, the same was not considered so far. Hence, left with no other alternative, the petitioner has filed the present writ petition.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that one Adhavan, who was arrayed as A.2 in the criminal case was also originally suspended and thereafter, his suspension was revoked and the suspension period was regularized and he was now promoted as P.G.Assistant. Since the petitioner is also similarly placed person, his case has also to be considered in a sympathetic manner.

5. I have also heard the learned Additional Government Pleader, (Education) who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 1.10.2016 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim projected by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. Secretary to Government,
School Education Department,
6th Floor, Namakkal Kavingar Maligai,
Fort St. George, Secretariat,
Chennai-9.

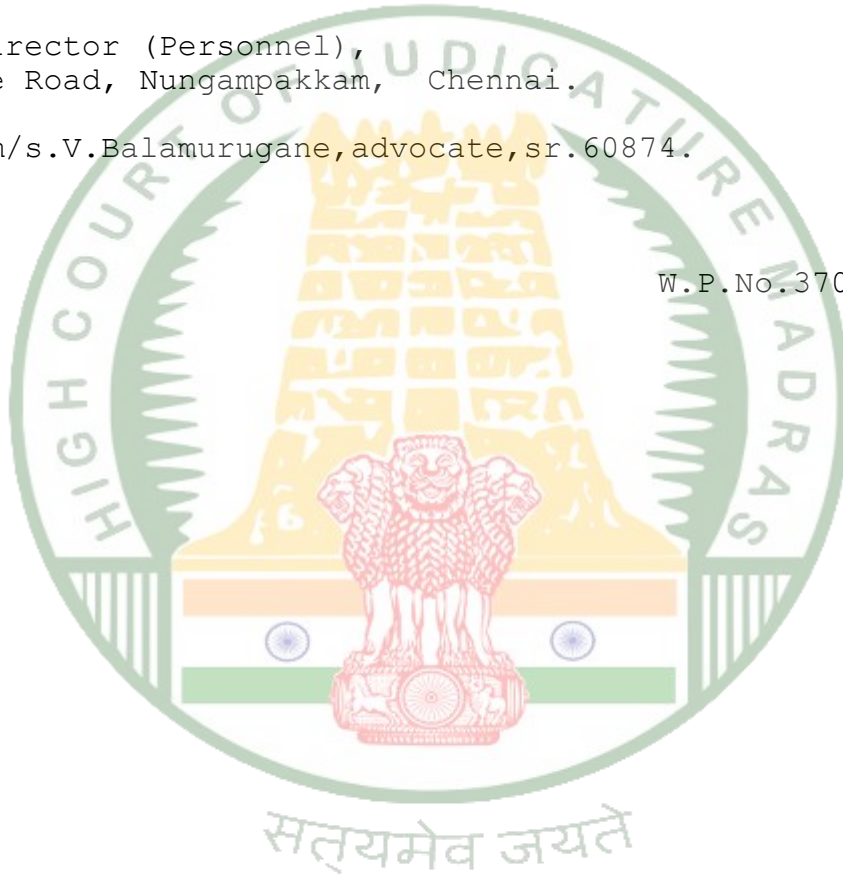
2. Director of School Education,
College Road, Nungampakkam,
Chennai.

3. Joint Director (Personnel),
College Road, Nungampakkam, Chennai.

+1 cc to m/s.V.Balamurugane, advocate, sr.60874.

ppa (co)
krd 1/11

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