

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No.598 of 2017
and W.M.P.No.643 of 2017

R.Arulmozhi

...Petitioner

-Vs-

1. The Chief Educational Officer,
Vellore,
Vellore District.

2. The Headmaster,
Municipal High School,
Kaspa - 631 001,
Vellore District.

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents to permit the petitioner to discharge his duties as physical education teacher in Municipal High School, Kaspa, Vellore - 632 001, Vellore District by considering his representation dated 02.01.2017.

For Petitioner : Mr.P.Ganesan

For Respondents: Mr.V.Anandamoorthy
Additional Government Pleader.

O R D E R

By consent the writ petition is taken up for final disposal. Mr.V.Anandamoorthy, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

2. The petitioner, while working at Physical Education Teacher in Government Higher Secondary School, Arcot, came to be involved in a criminal case in C.C.No.52/1999 on the file of Judicial Magistrate-V, Vellore, and was convicted for the commission of offence under Section 417 of IPC and to pay a fine of Rs.1,000/-, in default, to undergo 3 months rigorous imprisonment. The petitioner filed an appeal as against the order of conviction and the same was dismissed on 22.12.2000. Challenging the same, he filed Criminal Revision case before this Court in Crl.R.C.No.130 of 2001 and it came to be allowed

on 26.03.2003. The petitioner was placed under suspension during the pendency of the criminal appeal before the lower appellate Court and subsequently, he was reinstated in service, after his acquittal in the criminal revision case. The period of service rendered by the petitioner from 26.12.1998 to 20.07.2000 and from 05.03.2002 to 02.09.2003 has also been regularised. However, the monetary benefits, having not been disbursed, he has filed a writ petition in W.P.No.8008 of 2009 and vide order dated 28.04.2009, the representation submitted by the petitioner in this regard was directed to be considered and disposed of within a stipulated time. Since it was not complied with pre-contempt notice was also issued. After filing of the contempt petition, the petitioner was given the monetary benefits for the above said period. The petitioner would further aver that a complaint has been received as if he has collected some money from the students. The grievance expressed by the petitioner is that without any proper enquiry or any proceedings or by passing any order, he was not permitted to discharge his duty as Physical Education Teacher. In this regard, he has given a representation dated 02.01.2017 to the 2nd respondent in person. Despite receipt and acknowledgement, no orders have been passed. Hence, he came forward to file this writ petition.

3. Though the petitioner prays for a larger relief, this Court, taking into consideration of the fact that for the submission of representation by the petitioner to the 2nd respondent, no acknowledgement is available, permits the petitioner to submit a fresh representation along with a copy of this order to the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order and the 2nd respondent, on receipt of the same, is directed to consider the said representation and pass orders on merits and in accordance with law within a further period of twelve weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

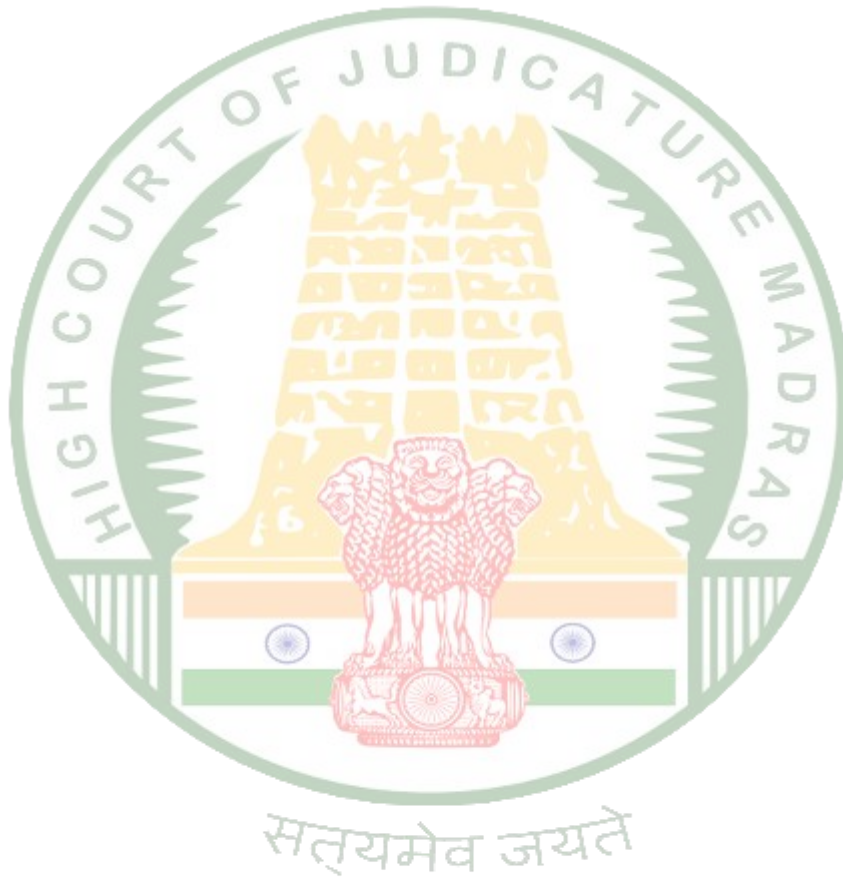
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+1 cc to Mr.P.Ganesan, advocate, sr.1849.

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krd 13/2

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