

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.14313 of 2017 & W.M.P. No.15514 of 2017

A. Elango

... Petitioner

vs.

1 The Director of School Education  
DPI Campus  
College Road  
Chennai 600 006

2 The Joint Director of School Education  
(Higher Secondary)  
Directorate of School Education  
DPI Campus, College Road  
Chennai 600 006

3 The Chief Educational Officer  
Vellore District  
Vellore

4 The District Educational Officer  
Vellore District  
Vellore

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to pass orders for disposal of charge memo issued by the second respondent in Na.Ka.No.125184/W6/W27/2002 dated 20.01.2003 based on the final orders issued by the District Vigilance Committee, Vellore in Na.Ka.N.4/28315/2000 dated 13.02.2017 and the consequential proposal forwarded by the third respondent in Na.Ka.No.9954/A1/2002 dated 12.04.2017 and consequently, regularise the period of suspension from 24.12.2002 to 07.02.2003 with all consequential and other attendant benefits including regularisation and fixation of Selection Grade in the post of PG Assistant along with arrears of salary with interest as well as re-employment on superannuation till the end of the academic year.

For petitioner :Mr. G. Sankaran

For respondents :Mr. P. Sanjay Gandhi  
Addl. Govt. Pleader

ORDER

Mr. P. Sanjay Gandhi, learned Additional Government Pleader, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondents to pass orders for disposal of charge memo issued by the second respondent in Na.Ka.No.125184/W6/W27/2002 dated 20.01.2003 based on the final orders issued by the District Vigilance Committee, Vellore in Na.Ka.N.4/28315/2000 dated 13.02.2017 and the consequential proposal forwarded by the third respondent in Na.Ka.No.9954/A1/2002 dated 12.04.2017 and consequently, regularise the period of suspension from 24.12.2002 to 07.02.2003 with all consequential and other attendant benefits including regularisation and fixation of Selection Grade in the post of PG Assistant along with arrears of salary with interest as well as re-employment on superannuation till the end of the academic year.

3 The learned counsel for the petitioner would submit that the petitioner belongs to Nainar community coming under Parkavakulam classified as Backward Class; he was issued with Backward Class community certificate by the Tahsildar, Vellore in Certificate No.271/1998 dated 18.03.1998 after due enquiry, on the strength of which, he was selected and appointed to the post of B.T.Assistant (Physics) through the Teachers Recruitment Board as per order dated 16.09.1999; subsequently, he was promoted to the post of P.G. Assistant (Physics) in the year 2002 based on his qualification and seniority; meanwhile, in view of an anonymous complaint with reference to his communal status, his Backward Class community certificate was referred to the District Vigilance Committee, Vellore; the said Committee, after conducting enquiry, by order dated 22.08.2002 cancelled the petitioner's community certificate; as a result, on 20.12.2002, the petitioner was placed under suspension by the second respondent on the premise that he had produced a false community certificate; pursuant thereto, the petitioner was also issued with the charge memo dated 20.01.2003; while so, the petitioner preferred a writ petition being W.P. No.41251 of 2002 assailing the order passed by the District Vigilance Committee; in the said writ petition, although, initially, an order of stay

was granted, subsequently, by order dated 27.07.2005, the writ petition was allowed quashing the order impugned therein for want of competency by the two Member District Level Committee, without prejudice to any action in future to be taken by the concerned authority based on the community certificate; finally, a District Level Committee was constituted and the said Committee found that the petitioner's community certificate was genuine by order dated 13.02.2017; therefore, in the light of the finding given by the District Level Committee consisting of the District Collector and two others that the petitioner belongs to Nainar community classified as Backward Class, the charge memo dated 20.01.2003, which was issued on the sole charge that the petitioner had produced bogus community certificate vanishes; as the petitioner is going to reach the age of superannuation on 30.06.2017, a direction may be issued, as prayed for, lest, the petitioner will be put to untold hardship, notwithstanding an order passed by the District Level Committee holding that his community certificate is valid.

4 The learned Additional Government Pleader sought two weeks time to consider the matter and pass orders as the District Level Committee has already held that the petitioner's community certificate is genuine.

5 In view of the above submission made by the learned Additional Government Pleader, the second respondent is directed to pass final orders within a period of two weeks from the date of receipt of a copy of this order, bearing in mind the fact that District Level Committee has already passed orders on 13.02.2017 holding that the petitioner's community certificate is genuine and that the petitioner is to reach the age of superannuation on 30.06.2017.

With the above direction, this writ petition stands disposed of. Costs made easy. Connected W.M.P. is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Director of School Education  
DPI Campus  
College Road  
Chennai 600 006
- 2 The Joint Director of School Education  
(Higher Secondary)  
Directorate of School Education  
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- 3 The Chief Educational Officer  
Vellore District  
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- 4 The District Educational Officer  
Vellore District  
Vellore

+lcc to Mr.G.Sankaran, Advocate Sr.41076

+lcc to the Government Pleader Sr.41002

W.P. No.14313 of 2017

srg 13/06/2017



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