

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.10.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.26426 of 2017

P.N.Arumugam

...Petitioner

Versus

1. The Director of School Education,
Chennai-600 006.

2. The Joint Director of School Education
(Personnel),
Directorate of School Education,
Chennai-6.

3. The Chief Educational Officer,
Dharmapuri.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent herein to finalise the disciplinary proceedings initiated against the petitioner in his Proceedings Na.Ka.No.03831/C2/E3/2014 dated 11.02.2014 under Rule 17(b) of the Tamil Nadu Civil Services (D&A) Rules, within a reasonable time framed by this Court so as to enable the petitioner to get promotion as P.G. Assistant (Science) consequent on his acquittal in the criminal case.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

O R D E R

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent herein to finalise the disciplinary proceedings initiated against the petitioner in his Proceedings Na.Ka.No.03831/C2/E3/2014 dated 11.02.2014 under Rule 17(b) of the Tamil Nadu Civil Services (D&A) Rules, within a reasonable time fixed by this Court so as to enable the petitioner to get promotion as P.G. Assistant (Science) consequent on his acquittal in the criminal case.

2. According to the petitioner, he was initially appointed as Junior Graduate Teacher on 21.02.2006 by the 2nd respondent herein, having been recruited through the Teacher Recruitment Board and he joined duty on 03.03.2006 A.N. and his probation was successfully completed on 08.06.2008. When the petitioner was working as such in Government Higher Secondary School, Perumbalai, Pennagaram, Dharmapuri District, he was placed under suspension by the 3rd respondent by order dated 04.01.2014 on the ground that while he was working as Graduate Teacher (Science) in Government High School, Chinnampalli, he was detained in custody in respect of the alleged offence of marrying a minor girl studying in X Standard in the same school which is in violation of Government Servant Conduct Rules. Thereafter, a disciplinary proceedings was initiated under Rule 17(b) of the Tamil Nadu Civil Services (D&A) Rules in respect of the alleged violation of Rule 20(1) of the Tamil Nadu Government Servants Conduct Rules. The petitioner has also submitted an explanation for the same on 05.03.2014. Further, a criminal case was registered by Perumbalai Police Station in Crime No.2/2014 against the petitioner under Section 9 of Prevention of Child Marriage Act, 2006 and Sections 5(L) and 6 of Protection of Children from Sexual Harassment Act, 2012 in which the Fast Track Mahila Court, Dharmapuri by judgment rendered in S.C.No.52/2015 dated 29.01.2016 acquitted the petitioner herein. Pursuant to the same, the 2nd respondent revoked the suspension order of the petitioner and posted him to Government Higher Secondary School, Perumbalai. But, no action has been taken to finalise the disciplinary proceedings initiated on 11.02.2014. Hence, the petitioner has submitted a representation dated 08.06.2017 to the 2nd respondent. But, there is no response for the same. Hence, the present Writ Petition.

3. Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who takes notice for the respondents would submit that the disciplinary proceedings pending against the petitioner along with his representation would be disposed of on merits within a time frame fixed by this Court.

4. Considering the above facts and circumstances of the matter, the 2nd respondent is directed to consider the disciplinary proceedings pending against the petitioner along with his representation dated 08.06.2017 and to finalise the disciplinary proceedings pending against him, within a period of four months from the date of receipt of a copy of this Order.

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

-s/d-

Assistant Registrar

True Copy

To

1.The Director of School Education,
Chennai-600 006.

2. The Joint Director of School Education
(Personnel),
Directorate of School Education,
Chennai-6.

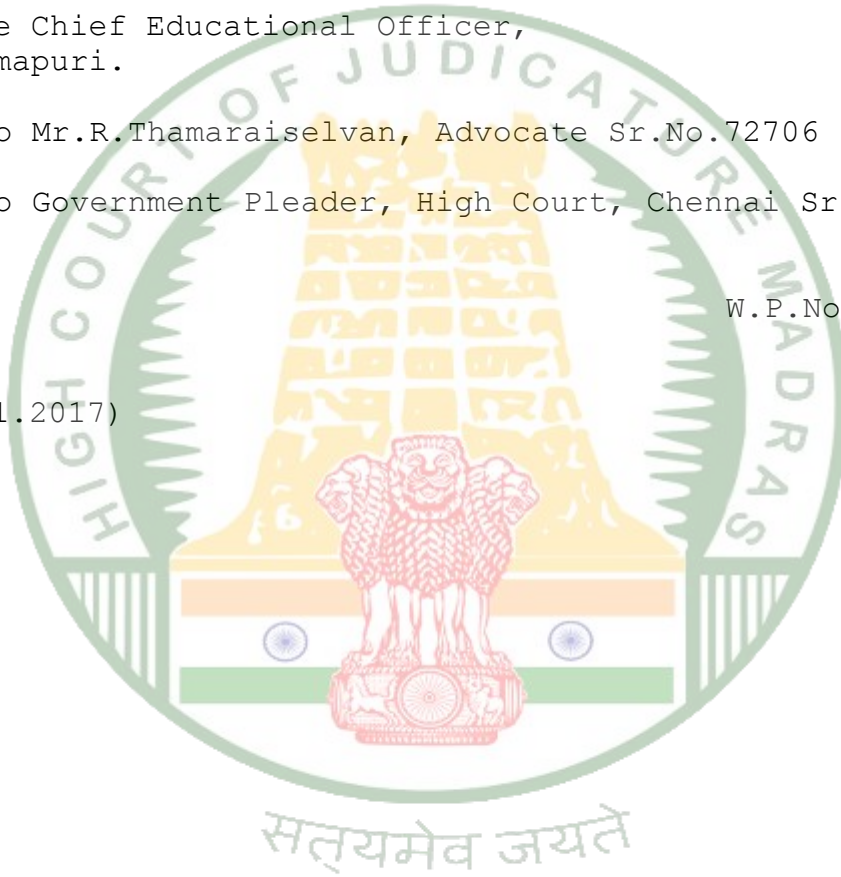
3. The Chief Educational Officer,
Dharmapuri.

+1 CC to Mr.R.Thamaraiselvan, Advocate Sr.No.72706

+1 CC to Government Pleader, High Court, Chennai Sr.No.72859

W.P.No.26426 of 2017

KP(15.11.2017)



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