

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2017

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THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 16787 of 2017

A. Rajinikanth ..Petitioner
Vs.

1. Secretary to Government,
School Education Department,
6th Floor, Namakkal Kavingar
Maaligai,
Fort St. George,
Chennai - 600 009.
2. Director of School Education
College Road, Nungambakkam,
Chennai.
3. Joint Director (Personnel),
College Road, Nungambakkam,
Chennai. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to consider the petitioner's appeal dated 25.05.2017 and pass suitable orders on merits.

For Petitioner :: Mr.V. Balamurugane

For Respondents :: Mr.V. Anandhamoorthy
Addl. Govt. Pleader

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O R D E R

The writ petition is filed for issue of a Writ of Mandamus directing the 2nd respondent to consider the petitioner's appeal dated 25.05.2017 and pass suitable orders on merits.

2. The case of the petitioner is that he is presently working as an Assistant in Government Higher Secondary School,

Olakkur, Tindivanam Taluk, Villupuram District, from 21.04.2014 onwards. Prior to that, when he was working in the office of the District Educational Officer, Tindivanam, as an Assistant, a case was registered against him by the District Crime Branch, Villupuram, in Crime No. 74/2001, alleging that he, along with one Aadhavan (arrayed as A-2 in the said case), a school teacher, conspired together and got the said Aadhavan appointed as an invigilator in the school where the first accused was writing SSLC Public Examination and helped the first accused to copy and complete the exam successfully and thereby committed offences under Sections 468, 471, 120B, 201 r/w 34 IPC. As a consequence thereto, the petitioner was suspended from service vide proceedings dated 08.10.2011 and a charge memo was issued on 01.02.2012, to which, the petitioner submitted his reply on 23.02.2012. Thereafter, an enquiry was conducted and during the pendency of the enquiry proceedings, the criminal case laid against the petitioner ended in acquittal in Crl.A. No.18 of 2013 by judgment dated 24.07.2013 passed by the II Additional District and Sessions Judge, Tindivanam. The petitioner got his suspension revoked by virtue of the orders passed by this Court in W.P. No. 29013/2013 and was also reappointed subsequently. The petitioner was furnished with the enquiry report on 28.01.2015 and he had also submitted his explanation to the enquiry report on 19.05.2015 to the 2nd and 3rd respondents. Since no final orders were passed, the petitioner filed W.P. No. 37079/2016 before this Court for a direction to the respondents to expedite the enquiry and to pass suitable orders in the enquiry. In compliance of the orders passed by this Court on 24.10.2016 in W.P. No. 37079 of 2016, the 3rd respondent passed final orders in the Departmental Enquiry imposing the punishment of stoppage of increment for two years without cumulative effect, by order dated 23.12.2016. As against the punishment imposed, the petitioner has preferred an appeal before the 2nd respondent on 25.05.2017. Since the said appeal has not been disposed of, the petitioner has come before this Court seeking a mandamus for an expeditious disposal of his appeal.

3. Heard Mr.V. Balamurugane, learned counsel for the petitioner and Mr.V. Anandhamoorthy, learned Additional Government Pleader, who takes notice on behalf of the respondents.

4. Considering the limited scope of the relief sought, this Court, without expressing any opinion on the merits or otherwise of the case, directs the 2nd respondent to pass appropriate orders in the appeal filed by the

N. KIRUBAKARAN, J.

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petitioner on 25.05.2017, on merits and in accordance with law,

within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. Secretary to Government,
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Chennai - 600 009.
2. Director of School Education
College Road, Nungambakkam,
Chennai.
3. Joint Director (Personnel),
College Road, Nungambakkam,
Chennai.

+1c to Mr.V.Balamurugan, Advocate SR.No.46455
+1cc to Government Pleader SR.No.47233

सत्यमेव जयते

W.P. No. 16787 of 2017

GN(31/07/2017)

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