

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.No.38931 of 2004

&

W.M.P.Nos.46468 & 46469 of 2004

G.Vadivel

... Petitioner

-Vs-

1.The Joint Director of
Government Examinations (Employer),
Chennai-600 006.

2.The District Elementary Educational Officer,
Dharmapuri, Dharmapuri District.

3.The Additional Assistant
Elementary Educational Officer,
Dharmapuri District - 636 810.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned suspension order made in R.C.No.3996/A2/2004 dated 15.06.2004 by the second respondent herein and quash the same as illegal and consequently direct the second respondent to reinstate the petitioner into service with all other benefits.

For Petitioner : No Appearance

For Respondents : Mr.K.Bhuvaneswari
Government Advocate

O R D E R

The petitioner was appointed as Secondary Grade Assistant by the second respondent during the year 2001 in Pudupatti Panchayat Union Elementary School, Pennagaram, Dharmapuri District. After his appointment, the petitioner's Secondary Grade Training Certificate was sent for verification by the second respondent on 22.02.2002. After careful scrutiny of the certificate of the petitioner, it was informed that the Diploma

in Teacher Education Certificate produced by the petitioner was bogus and it was not issued by the Director of Government Examinations. Thereafter, the District Crime Branch registered a criminal case against the petitioner on 14.06.2004. Consequent upon the criminal case, Departmental action was initiated by issuing a Charge Memo and placed the petitioner under suspension. The order of suspension is challenged in this Writ Petition.

2. When a person involves in a criminal case, necessarily the authority has to invoke 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Hence, I do not find any irregularity or illegality in the impugned order of suspension passed by the second respondent dated 15.06.2004. Further, the writ petition is of the year 2004 and nearly thirteen years have elapsed and hence, I do not find anything surviving in this Writ Petition. However, it is open to the petitioner to adjudicate the Departmental Proceedings in a manner known to law.

3. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

r n s

To

- 1.The Joint Director of
Government Examinations (Employer),
Chennai-600 006.
- 2.The District Elementary Educational Officer,
Dharmapuri, Dharmapuri District.
- 3.The Additional Assistant
Elementary Educational Officer,
Dharmapuri District - 636 810.

+1cc to the Government Pleader, S.R.No.62074

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CS IV

CA(21/09/2017)