



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2017

CORAM

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THE HONOURABLE MR.JUSTICE T.RAJAW.P.(MD)No.16882 of 2017

Gokilapandian : Petitioner
Vs.

1.The Director of Elementary Education,
College Road,
D.P.I. Complex,
Chennai-600 006.

2.The District Elementary Educational Officer,
Office of the D.E.E.O,
Theni District,
Theni.

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent herein to pass orders by considering the petitioner's explanation dated 06.09.2016 on merits and in accordance with law in the light of the proceedings in Na.Ka.No.530/A5 2016 dated 23.08.2017, issued by the second respondent within the time stipulated by this Court.

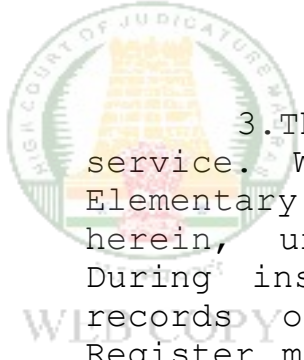
For Petitioner : Mr.M.Karuppasamy Pandian

For Respondents : Mr.K.Guru
Additional Government Pleader

O R D E R

By consent of both parties, the writ petition itself is taken up for final disposal.

2.The petitioner, who was appointed as a Secondary Grade Teacher at Panchayat Union Primary School Servaipettai, R.S.Mangalam, Ramanathapuram District on 22.01.2001, went on transfer to various schools. Later on, the petitioner was promoted to the post of BT Assistant (Maths) on 18.09.2012 and posted at the Panchayat Union Middle School, Nariyoothu Kadamalai Mayilai, Theni District. Presently, the petitioner is working at Kamarajarpuam Panchayat Middle School.



3. The petitioner has unblemished records in his 16 years of service. While so, on 27.08.2016 at 02.15 p.m., the District Elementary Educational Officer, Theni District / second respondent herein, undertook an inspection in the petitioner's school. During inspection, the second respondent verified the service records of the teachers, more particularly, the Attendance Register maintained for the teachers in the said School. On the very same day, the Headmistress of the said School namely, Jhansi Rani had applied for casual leave and the same was also communicated to the petitioner over phone. The petitioner, being the senior most teacher in the said School, on receipt of the communication made by the Headmistress, entered in the attendance register as 'Casual Leave'. Whereas, the second respondent deleted the said word C.L. in the attendance register and marked as 'Absent' and also informed the petitioner that he will be subject to disciplinary proceedings.

4. In this connection, the second respondent herein issued a charge memo in Na.Ka.No.530/A5/2016 dated 29.08.2016, under Rule 17(A) of the Tamil Nadu Subordinate Services (D&A) Rules, framing eight charges against the petitioner. On receipt of the same, the petitioner also submitted his explanations on 06.09.2016, denying all the charges framed against him. Till date, the respondents have not passed any order.

5. The learned counsel for the petitioner, referring to the proceedings dated 23.08.2017, in and by which the charges framed under the provisions of 17(B) of the Tamil Nadu Subordinate Services (D&A) Rules, against the said Headmistress, Jhansi Rani were dropped, submitted that the charges framed against the petitioner are also to be dropped accepting the explanation given by the petitioner. Thus, he pleaded for a direction to drop the charges framed under the provisions of 17 (B) of the Tamil Nadu Subordinate Services (D&A) Rules, as the charges issued against the said Jhansi Rani who went on casual leave were dropped.

6. Mr. K. Guru, learned Additional Government Pleader, who takes notice for the respondents sought sufficient time to pass appropriate orders on the pending explanation given by the petitioner on 06.09.2017.

7. Considering the limited scope of the prayer sought for by the petitioner and also considering the fact that the charges framed under the provisions of 17(B) of the Tamil Nadu Subordinate Services (D&A) Rules levelled against the said Jhansi Rani were dropped vide proceedings in Na.Ka.No.530/A5/2016 dated 23.08.2017, the second respondent is hereby directed to pass appropriate orders within a period of four weeks from the date of receipt of a



8.The writ petition is disposed of with the above direction. No Costs.

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/True Copy/

Sd/-
Assistant Registrar(Crl.Side)

Sub-Assistant Registrar

To

1.The Director of Elementary Education,
College Road,
D.P.I. Complex,
Chennai-600 006.

2.The District Elementary Educational Officer,
Office of the D.E.E.O,
Theni District,
Theni.

+One cc to The Special Government Pleader, SR.No.77694

+One cc to Mr.M.Karuppasamy Pandian, Advocate, SR.No.77102

Mrn/MR
RL/5C/3P/JC/SAR1/20/9/2017

W.P.(MD)No.16882 of 2017

07.09.2017