



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.413 of 2018

and

W.M.P. (MD) Nos.421 & 422 of 2018

V.M.A.Christina Baby

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.

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

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the second respondent in Rc.No.5775/B1/1999 dated 02.11.2017 and to quash the same and consequently direct the respondent to reinstate the petitioner into service, with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.S.Srimathy

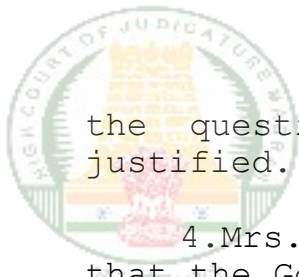
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition is taken up for final disposal.

3.The petitioner is employed as a Headmaster in the Panchayat Union Primary School, Nariyanur, Ammapet Union, Thanjavur. She got employment under the reserved category. The allegation is that the petitioner produced a bogus Community Certificate and got employment. In this regard, the proceedings have been pending for more than twenty years. The petitioner was suspended as early as on 18.08.1999. The petitioner engaged the department in more than one round of litigations. She has been successful so far. The department intends to proceed with the disciplinary proceedings against the petitioner. It is open to the department to do so. But



the question is whether the impugned order of suspension is justified.

4.Mrs.S.Srimathy, learned Special Government Pleader, submitted that the Government has taken a Suo motu review of the issue and had directed that the disciplinary proceedings must be resumed.

5.Therefore, this Court is of the view that there cannot be a second suspension on the same cause of action. In this view, the impugned order of Suspension stands quashed.

6.The respondents are directed to reinstate the petitioner forthwith into service. At the same time, the disciplinary proceedings initiated against the petitioner shall go on.

7.The Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.

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

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.44793
+1CC TO M/S.F.DEEPAK, ADVOCATE, SR NO.44395

Order made in
W.P.(MD) No.413 of 2018
25.01.2018

tsg

MS/SKN-RSK/SAR-2/12.03.2018/2P.5C