



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2018

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) .No.196 of 2015

and

M.P. (MD) .Nos.1 to 3 of 2015

Manikanth

... Petitioner

Versus

1. The Director of School Education,
DPI Campus, College Road,
Chennai.

2. The Joint Director of School Education,
(Personnel), DPI Campus,
College Road, Chennai.

3. The Chief Educational Officer,
Kanyakumari District.

4. The District Educational Officer,
Kuzhithurai, kanyakumari District.

... 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 punishment proceedings of the third respondent in Na.Ka.No.5868/A2/2012 dated 12.11.2014 and quash the same.

For Petitioner : No Appearance

For Respondents : Mrs.S.Srimathy

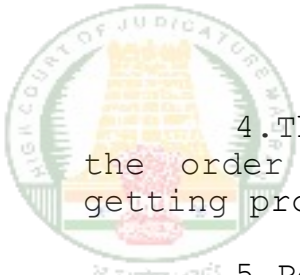
Special Government Pleader

ORDER

There is no representation on behalf of the petitioner.

2.Heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents

3.The Writ Petition is filed challenged censure order imposing punishment under Rule 14(a)i of the Tamil Nadu Civil Services (Discipline and Appeal) Rules for his misconduct.



4. The main contention of the writ petitioner herein is that the order of censure has been passed only to prevent him from getting promotion as regular Superintendent.

5. Perusal of the records indicates that the writ petitioner joined as Junior Assistant on 24.10.1990 and promoted as Assistant and Desk Superintendant on 24.01.2001 and 27.03.2013 respectively. His name is in the promotion panel for the post of regular Superintendent. While so, to prevent him from getting promotion, the order of censure has been passed without seeking explanation or issuing show cause notice.

6. It is seen that some irregular approval has been granted by the petitioner in favour of one Veena S.Nair, P.G. Assistant, by not perusing the records properly. Along with the writ petitioner, three other staffs were also been enquired and departmental proceedings were initiated for declaring probation to Veena S.Nair without clearing basic Tamil test. This writ petitioner along with others were found to have committed mis-conduct and hence, an order of censure has been imposed against the petitioner. Censure is the least minor punishment imposed under Rule 17(a) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules. It will not stand in the way of considering promotion. Hence, the motive attributed for passing the impugned order cannot be sustained.

7. Further more, the learned Special Government Pleader appearing for the respondents would submit that the petitioner has been considered for promotion and subsequently, he has been promoted as regular Superintendent and presently he is serving as Regular Superintendent in the office of the District Educational Office, Thuckalay.

8. In view of the above, nothing survives in this Writ Petition and this Court is inclined to dismiss this Writ Petition and the same is dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Director of School Education,
DPI Campus, College Road,
Chennai.



2. The Joint Director of School Education,
(Personnel), DPI Campus,
College Road, Chennai.

3. The Chief Educational Officer,
Kanyakumari District.

4. The District Educational Officer,
Kuzhithurai, kanyakumari District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 94766

+ 1 CC TO Mr.V.SANKARA NARAYANAN, ADVOCATE IN SR No. 94923

TSG

TE/PM/SAR-1 : 13/12/2018 : 3P/7C

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