



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.01.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

WEB COPY

**W.P(MD)Nos.1626 of 2011 and 7952 of 2009
and
MP(MD)No.1 of 2011**

W.P(MD)No.1626 of 2011

V.Subbaiah

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai - 600 009.

2. The Director of School Education,
College Road, Chennai - 600 006.

3. The Chief Educational Officer,
Madurai District,
Thallakulam, Madurai.

4. The District Educational Officer,
Usilampatti,
Madurai District.

5. The Secretary,
Nadar Saraswathy Higher Secondary School,
Usilampatti, Madurai District.

6. The Headmaster,
Nadar Saraswathy Higher Secondary School,
Usilampatti, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 4 herein to regularize forthwith the petitioners period of service from 05/01/2000 to 01/05/2002, from 27/02/2003 to 03/07/2006 and from 04/07/2006 to till date as PG Assistant (Tamil) in the 5th respondent school with all attendant benefits including continuity of service, salary and allowances etc.

For Petitioner : Mr.S.Xavier Rajini

For Respondents 1 to 4 : Mr.M.Muthu,

Additional Government Pleader,

For Respondents 5 & 6 : Mr.N.Dilipkumar



W.P(MD)No.7952 of 2009

V.Subbiah

... Petitioner

Vs.

1. The Director of School Education,
College Road, Chennai - 600 006.

2. The District Educational Officer,
Usilampatti,
Madurai District.

3. The Secretary,
Nadar Saraswathy Higher Secondary School,
Usilampatti, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioners representation dated 07.08.2009.

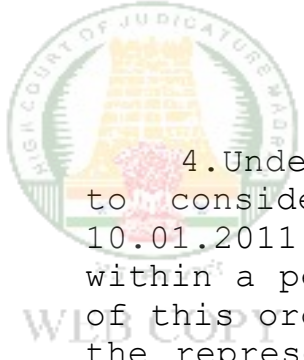
For Petitioner : Mr.J.Selvam
For Respondents 1 & 2 : Mr.M.Muthu,
Additional Government Pleader,
For Respondent 3 : Mr.N.Dilipkumar

COMMON ORDER

The grievances of the writ petitioner is that he was placed under suspension, on account of registration of criminal case against him. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was initially convicted by the trial Court and in the Criminal Appeal, an order of acquittal was passed and the writ petitioner was exonerated from the charges.

2.Under such circumstances, disciplinary authority also had not proceeded with the departmental disciplinary proceedings and he was reinstated into service. The period from the year 2006 to 2011 was already regularised and the remaining period of suspension is to be regularised. In this regard, the petitioner made a representation to the respondents dated 10.01.2011.

3.The facts remains that the writ petitioner was acquitted in the criminal case and further no disciplinary proceedings were initiated by the appointment authorities against the writ petitioner. Thus, for the purpose of settlement of the terminal, pensionary benefits, the period has to be regularised in accordance with the rules in force.



4. Under these circumstances, the fourth respondent is directed to consider the representation of the writ petitioner dated 10.01.2011 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to submit a copy of the representation and fresh representation, if any, along with a copy of the order passed in this writ petition.

5. Accordingly, the writ petitions stand disposed of. However, there shall be no orders as to costs. Consequently, MP(MD)No.1 of 2011 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Department of School Education,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Madurai District,
Thallakulam, Madurai.
4. The District Educational Officer,
Usilampatti, Madurai District.

+1cc to Spl.Government Pleader Sr.No.45959
+1cc to M/s.Isaac Chambers, Sr.No.45458
+1cc to Mr.N.Dilipkumar, Advocate Sr.No.45773

DSK

VB/KK/SAR4/15/03/2018/3P/8C

ORDER MADE IN
W.P (MD) Nos.1626 of 2011 and
7952 of 2009
31.01.2018