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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.01.2018
CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.2613 of 2011
and
MP (MD) Nos. 1 and 2 of 2011

S.Arockiasamy ... Petitioner
Vs.

- 1.The Director of Elementary Education,
D.P.I Complex, College Road,
Chennai.
- 2.The District Elementary Educational Officer,
Virudhunagar, Virudhunagar District.
- 3.The Additional Assistant Elementary Educational Officer,
Sattur, Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the order passed by the 2nd Respondent dated 01.03.2011 in Na.Ka.No.817/Aa4/2011 and quash the same.

For Petitioner : Mr.N.Dilip Kumar
For Respondents : Mr.R.Sethuraman,
Special Government Pleader

ORDER

The order of suspension issued by the second respondent in proceedings dated 01.03.2011 is under challenge in this writ petition.

2.The writ petitioner was working as a Primary School Head Master and on account of certain allegations and based on the complaints received from the Teachers and the general public, the disciplinary proceedings were initiated against the writ petitioner and was placed under suspension. However, the writ petitioner has continued in service, pursuant to an interim order of stay granted by this Court, in the present writ petition.

3.The learned Counsel for the petitioner states that the disciplinary proceedings are not concluded and during the pendency of the writ petition, the petitioner had been transferred to another school, viz, Primary School at Pothireddiyappatti. The writ petitioner is working in the said place. However, this Court is of an opinion that allegations contemplated in the order of suspension is serious in nature and the Department has to conduct proper



enquiry into the allegations. The writ petitioner has already been transferred to another school and therefore the order of suspension need not be continued. However, the allegations against the writ petitioner has to be enquired into and a logical conclusion to be arrived at.

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4. It is a great surprise, why the respondents have not taken any action for the purpose of arriving at a conclusion of the disciplinary proceedings. The Director of Elementary Education has to ascertain the case and initiate proper disciplinary proceedings against the responsible officials, who have not taken appropriate action for early disposal of the disciplinary proceedings.

5. This Court is of an opinion, once the disciplinary proceedings are initiated against a public servant, the same should be concluded without causing any undue delay. In the present case, by availing an interim order, in the writ petition, the writ petitioner continued to be in service, however, no action was taken to proceed with the enquiry. Thus, the responsible officials are certainly to be fixed, in view of the fact the allegations against the writ petitioner are certainly serious in nature and the truth behind the allegations are to be culled out by way of an enquiry.

6. In this view of the matter. this Court is of an opinion that continuance of suspension may not be required and appropriate authority has to be conduct proper enquiry and conclude the same in accordance with the rules by providing opportunity to the writ petitioner.

7. In this view of the matter, the impugned order issued by the second respondent in proceedings dated 01.03.2011 is quashed. The Director of Elementary Education, D.P.I Complex, Chennai is directed to find out, who all are the responsible officials, for not concluding the disciplinary proceedings against the writ petitioner and initiate disciplinary proceedings against those responsible officials.

8. Accordingly, the writ petition stands allowed. However, there shall be no orders as to costs. Consequently, MP(MD)Nos. 1 and 2 of 2011 are closed.

Sd/-

Assistant Registrar(Crl. side)

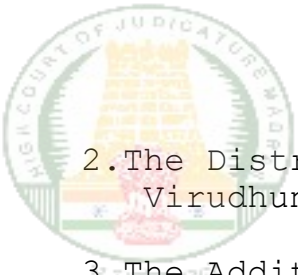
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Sub Assistant Registrar

To

1. The Director of Elementary Education,
D.P.I Complex, College Road,

<https://hcservices.ecourts.gov.in/hcservices/>
Chennai.



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

3.The Additional Assistant Elementary Educational Officer,
Sattur, Virudhunagar District.

+1cc to M/S.N.Dilip Kumar, Advocate SR.No. 44068

+1cc to Special Government Pleader, SR.No. 44323

ORDER MADE IN
W.P (MD) No.2613 of 2011

dsk

JM/GT/SAR 1/12.02.2018/3P/6C