

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

CORAM

THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.19763 of 2019

and

W.M.P.Nos.19281 and 20417 of 2019

R. Maheskumar ... Petitioner

vs

1.The State of Tamil Nadu
rep. by the Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.

2.The Director of Elementary School Education,
DPI Complex,
College Road,
Chennai.

3.The Chief Educational Officer,
Chief Education Office,
Namakkal - 637 001.

4.The District Educational Officer,
District Education Office,
Namakkal - 637 001.

5.The Block Educational Officer,
Block Education Office,
Kolli Hills Union,
Kolli Hills,
Namakkal District - 637 411.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorified Mandamus, calling for the records of the 5th respondent in Na.Ka. No.211/A2/2019 dated 04.07.2019 and quash the same consequently directing the respondents 3 to 5 to include the petitioners name in the promotion list in panel of the year 2019 for the post of B.T Assistant (Science) Teacher Kolli Hills

Union and Taluk Namakkal District based on the representation dated 05.07.2019 within a time frame that may be fixed by this Honble Court.

For Petitioner : Mr.M. Saravanakumar

For Respondents : Mr.C. Munusamy
Special Government Pleader

ORDER

The case of the petitioner is that the petitioner joined as Secondary Grade Teacher on 17.12.2012 and completed probation period on 16.12.2014 at Pallipalayam Union, Panchayat Union Primary School, Pappampalayam, Thiruchengodu. Subsequently, he was transferred to Ariyur Kaspas Panchayat Union Primary School, Kolli Hills Union, Namakkal District. As per the promotion panel drawn by the respondents 3 to 5, he had placed at first place for the promotion of B.T. Assistant (Science) Teacher as on date 01.01.2019.

2.It is the case of the petitioner that on 22.01.2019 about 11.40 a.m., the Office Bearers of JACTO - GEO had been agitated for the entire Government School Teachers for the purpose of redressing their grievances to the Government. Therefore, a case has been registered against them in Crime No.46 of 2019 for the offences under Sections 143, 341, 505 (1) (b) of IPC and Section 7 (1) (a) of the Criminal Law Amendment Act, 2005. The petitioner was not at all participated in the abovesaid agitation held on 25.01.2019 at Namakkal Park Salai. But, he had been falsely implicated as one of the accused in the criminal case. Thereafter, similarly placed persons, having similar nature of charges, filed Writ Petitions in W.P.(MD). No.14347 and 14167 of 2019 before the Madurai Bench of this Court seeking for a direction to the respondents to include the name of the petitioners in the panel of P.G. Assistant fit for promotion to the post of Headmaster of Higher Secondary School as on 01.01.2019 and the 5th respondent has given a reply stating that as per promotion panel drawn by the respondents 3 to 5, the petitioner herein was placed for promotion for B.T. Assistant (Science) Teacher as on date 01.01.2019 but he could not be placed for promotion for the reason that a charge under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules is pending against him.

3.It is the further case of the petitioner that the petitioner was placed under suspension under Clause (2) of Sub Rule (e) of Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on 26.01.2019 and subsequently, the 4th respondent has revoked the said proceedings vide

R.C.No.10230/A1/2018 dated 14.02.2019 and thereafter, the 5th respondent had given a letter to the petitioner to join the duty on 14.02.2019FN and therefore, he joined duty on 14.02.2019FN.

4.The learned Special Government Pleader would submit that the petitioner made a representation to the District Educational Officer, Namakkal, through the Block Education Officer, Kollimalai Union, on 05.07.2019 requesting his name in the panel for the year 2018-2019 for promotion to the post of B.T. Assistant (Science). The said representation was rejected by the Block Education Officer, Kollimalai Union, based on the proceedings dated 21.06.2019 of the District Education Officer, Namakkal, stating that the charge under Rule 17 (b) is pending against the petitioner and hence, his name could not be included for promotion to the post of B.T. Assistant (Science) for the year 2019 panel as on 01.01.2019.

5.The learned counsel for the petitioner would submit that this Court, by order dated 28.08.2019 in Crl.O.P.No.23181 of 2019, quashed the FIR in Crime No.46 of 2019 against the petitioner.

6.Considering the facts that this Court, by order dated 28.08.2019 in Crl.O.P.No.23181 of 2019, quashed the FIR in Crime No.46 of 2019 against the petitioner, as the charge under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules is pending against the petitioner, this Court directs the respondents to complete the departmental enquiry within a period of three months thereafter consider the request of Petitioner within a period of two months from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IV)

//True Copy//

WEB COPY

Sub Assistant Registrar

mps

To

1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary School Education,
DPI Complex,
College Road,
Chennai.

3.The Chief Educational Officer,
Chief Education Office,
Namakkal - 637 001.

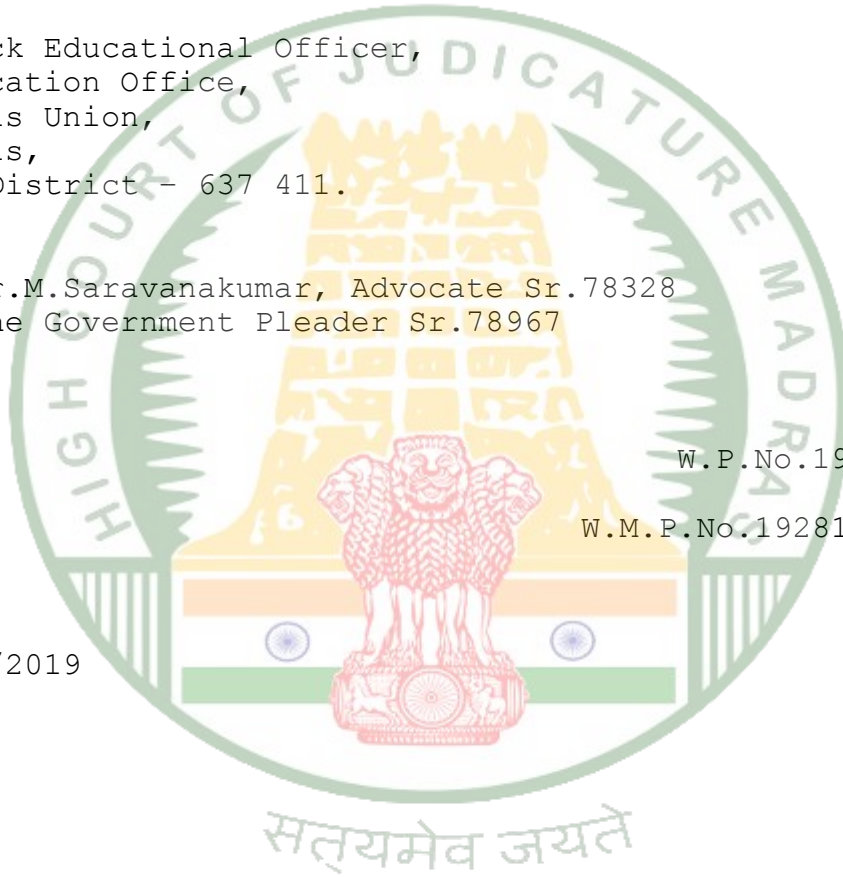
4.The District Educational Officer,
District Education Office,
Namakkal - 637 001.

5.The Block Educational Officer,
Block Education Office,
Kolli Hills Union,
Kolli Hills,
Namakkal District - 637 411.

+1cc to Mr.M.Saravanakumar, Advocate Sr.78328
+1cc to the Government Pleader Sr.78967

W.P.No.19763 of 2019
and
W.M.P.No.19281&20417/2019

rv[co]
srg 18/11/2019



WEB COPY