

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29466 of 2019
& WMP Nos.29312 & 29313 of 2019

T.Ezhilarasan

... Petitioner

Vs.

1. The Chief Educational Officer,
Office of the Chief Educational Officer,
Cuddalore & District.

2.The District Educational Officer,
District Educational Office,
Chidambaram,
Cuddalore District

3.The Block Educational Officer,
Kumarachi Block,
Chidambaram,
Cuddalore District

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records pertaining to the impugned order of charge memo in Na.Ka.No.4082/Aa3/2018 dated 09.01.2019 issued by the second respondent and its consequential order passed by him by his proceedings in Na.Ka.No.4082/A5/2018 dated 06.09.2019 and quash the same.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.C.Munusamy, Spl. GP

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order of charge memo in Na.Ka.No.4082/Aa3/2018 dated 09.01.2019 issued by the second respondent and its consequential order passed by him by his proceedings in Na.Ka.No.4082/A5/2018 dated 06.09.2019 and quash the same.

2. According to the petitioner, he was appointed as Secondary Grade Teacher on 03.01.1990 and he was promoted as B.T.Headmaster and thereafter, he attained the age of superannuation on 31.08.2019. Though, he reached the age of superannuation he was not permitted to retire from service. Whiles, a charge memo was issued to the petitioner on 09.01.2019 by the second respondent in regard to his alleged participation in the protest against the Government organised by Tamilnadu Primary School Teachers Federation in the matter of enhancement of service benefits, for which an FIR in Crime No.365/2018 was registered under Section 151 Cr.P.C. by Vadalur Police. According to the petitioner, the said FIR came to be quashed by this Court in CrI.OP.No.19345 of 2019 vide order dated 02.08.2019. Therefore, the petitioner made a representation on 02.08.2019, requesting the respondents to drop the disciplinary proceedings pending against him. However, as there was no response forthcoming from the respondents, the petitioner has come forward with the present writ petition.

3.It is not in dispute that the petitioner has attained the age of superannuation as early on 31.08.2019. However, he was not relieved from service, but for the disciplinary proceedings pending against him since he was involved in a crime in respect of which an FIR in Crime No.365/2018 was registered by Vadalur Police. In this regard, it is pertinent to note that the very FIR in the above said crime has been quashed by this Court vide order dated 22.07.2019 by this Court in CrI.OP. No.19345 of 2019. The learned counsel appearing for the petitioner would draw the attention of this Court to the order passed by this Court dated 22.07.2019 wherein, the statment made by the learned Additional Public Prosecutor that a closure report was filed in the above said crime before the Judicial Magistrate III, Cuddalore since further action was dropped. Therefore, the learned counsel would implore this Court there is absolutely no impediment for the department to close the departmental proceedings pending against the petitioner since the FIR itself was no more in the existance, on the basis of which the departmental proceedings were initiated.

4.Considering the facts and circumstances and the submissions made by the learned counsel for the petitioner, and in view of the fact that the FIR registered against the petitioner was no more in existance since further action was dropped, the second respondent is directed to consider the representation dated 02.08.2019 made by the petitioner and pass appropriate orders therein in accordance with law while taking a fair decision in the departmental proceedings, within a period of 4 weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To,

1. The Chief Educational Officer,
Office of the Chief Educational Officer,
Cuddalore & District.

2. The District Educational Officer,
District Educational Office,
Chidambaram,
Cuddalore District

3. The Block Educational Officer,
Kumarachi Block,
Chidambaram,
Cuddalore District

+1cc to Mr. K. Thilageswaran, Advocate SR.86925
+1cc to the Government pleader SR.87368

W.P.No.29466 of 2019

MG (CO)
CB (21/11/2019)

सत्यमेव जयते
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