

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.31685, 31690, 31699, 31707, 31709,
31710 & 31714 of 2019

and

W.MP.Nos.31885, 31887, 31889, 31890, 31893, 31895, 31902, 31904,
31907, 31908, 31912, 31913, 31917 & 31921 of 2019

W.P.No.31685/2019

S.Manivannan

...Petitioner

Vs

1. The District Educational Officer,
O/o. The District Educational Officer,
Arakonam, Vellore District.

2. The Block Educational Officer,
O/o The Block Educational Officer,
Nemili Taluk, Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, Order or Direction in the nature of Writ of Certiorari to call for the records pertaining to the impugned order of Charge Memo in Na.Ka.No.1734/Aa4/2018 Dated 30.11.2018 issued by the 1st respondent and quash the same.

W.P.No.31690/2019

T.Prabakaran Premkumar

...Petitioner

Vs

1. The District Educational Officer,
O/o. The District Educational Officer,
Ranipet, Vellore District.

2. The Block Educational Officer,
O/o The Block Educational Officer,
Walaja West, Vellore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, Order or Direction in the nature of Writ of Certiorari to call for the records pertaining to the impugned order of Charge Memo in Na.Ka.No.1427/A3/2018 Dated 30.11.2018 issued by the 1st respondent and quash the same.

W.P.No.31699/2019

S.Sathiyabama

...Petitioner

Vs

1.The District Educational Officer,
O/o. The District Educational Officer,
Thiurvannamalai & District.

2.The Block Educational Officer,
O/o The Block Educational Officer,
Vanthavasi,
Thiurvannamalai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, Order or Direction in the nature of Writ of Certiorari to call for the records pertaining to the impugned order of Charge Memo in Na.Ka.No.1716/A1/2018 Dated 07.12.2018 issued by the 2nd respondent and quash the same.

W.P.No.31707/2019

A.Jagadeesan

...Petitioner

Vs

1.The District Educational Officer,
O/o. The District Educational Officer,
Thirupattur, Vellore District.

2.The Block Educational Officer,
O/o The Block Educational Officer,
Thirupattur, Vellore District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, Order or Direction in the nature of Writ of Certiorari to call for the records pertaining to the impugned Show Cause Memo in Na.Ka.No.4318/A1/2018 Dated 30.11.2018 issued by the 1st respondent and quash the same.

W.P.No.31709/2019

P.Velu

...Petitioner

Vs

1. The District Educational Officer,
O/o. The District Educational Officer,
Thiruvannamalai & District.
2. The Block Educational Officer,
O/o The Block Educational Officer,
Kilpennathur, Thiruvannamalai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, Order or Direction in the nature of Writ of Certiorari to call for the records pertaining to the impugned order of Charge Memo in Na.Ka.No.3588/A1/2018 Dated 05.12.2018 issued by the 2nd respondent and quash the same.

W.P.No.31710/2019

D.Ganesan

...Petitioner

Vs

- 1.The District Educational Officer,
O/o. The District Educational Officer,
Thiruvannamalai & District.
- 2.The Block Educational Officer,
O/o The Block Educational Officer,
Kilpennathur, Thiruvannamalai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, Order or Direction in the nature of Writ of Certiorari to call for the records pertaining to the impugned order of Charge Memo in Na.Ka.No.3588/A1/2018 Dated 05.12.2018 issued by the 2nd respondent and quash the same.

W.P.No.31714/2019

A.Devarajan

...Petitioner

Vs

- 1.The District Educational Officer,
O/o. The District Educational Officer,
Arakonam, Vellore District.
- 2.The Block Educational Officer,
O/o The Block Educational Officer,
Arakonam Taluk, Vellore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, Order or Direction in the nature of Writ of Certiorari to call for the records pertaining to the impugned order of Charge Memo in Na.Ka.No.1734/A4/2018 Dated 30.11.2018 issued by the 1st respondent and quash the same.

For Petitioner
in all WPs. : Mr.K.Thilageswaran

For Respondents
in all Wps. : Ms.P.Kavitha,
Government Advocate

COMMON ORDER

- 1.Since the facts and circumstances and the prayer sought for in these Writ Petitions are one and the same, they are taken up together for final disposal.
- 2.These Writ Petitions have been filed by the respective petitioners, challenging the charge memos issued against them, in and by which, disciplinary proceedings have been initiated under Rule 17(b) of Tamil Nadu Civil Service (Discipline and Appeal) Rules.
- 3.Heard both sides.
- 4.The petitioners are working as Secondary Grade Teachers, B.T.Assistants and Headmasters in their respective posting places and they were involved in criminal cases registered in Cr.No.538/2018 dated 26.11.2018 for the offences under Sections 143, 188 & 285 of IPC on the file the Inspector of police, Sathuvacheri Police Station, Vellore District and in Crime No.1578 of 2018 dated 26.11.2018 for the offences under Sections 143, 285 and 341 IPC on the file of the Sub Inspector of Police, Thiruvannamalai Town Police Station, Thiruvannamalai for their alleged participation in the protest organized by Tamil Nadu Primary School Teachers Federation seeking enhancement of service benefits. Consequently, the respondents 1 and 2 herein issued the respective impugned charge memos vide proceedings impugned in these Writ Petitions under Rule 17(b) of Tamil Nadu Civil Service (Disciplinary and Appeal) Rules initiating disciplinary proceedings against the petitioners. Aggrieved by the same, the petitioners have come forward with the present writ petitions, seeking to quash the impugned proceedings.

- 5.The learned counsel for the petitioners would submit that the impugned proceedings have been initiated by the 1st respondent only on the basis that criminal cases were registered against the petitioners. However, he would point out that subsequently, by orders dated 03.07.2019 in CrI.O.P.No.17323 of 2019 and 24.07.2019 in CrI.O.P.No.19600 of 2019, the First Information Report in Cr.No.538/2018 on the file of the Inspector of police, Sathuvacheri Police Station, Vellore District and in Cr.No.1578/2018 on the file of the Sub Inspector of Police, Thiruvannamalai Town Police Station, Thiruvannamalai have been quashed by this Court. Therefore , the learned counsel for the petitioners would submit that the impugned proceeding is liable to be set aside. Further he would also submit that after quashing the First Information Reports by this Court the petitioners have made respective representations and requested the respondents to drop the disciplinary proceedings initiated against them and despite representations made by the petitioners, no orders have been passed by the respondents. Hence the learned counsel for the petitioners would implore this Court to direct the respondents to quash the respective impugned proceedings initiated against the petitioners.
- 6.Considering the facts and circumstance of the case and in view of the above fact that the very basis on which the disciplinary proceedings have been initiated by the 1st and 2nd respondents i.e. criminal cases in FIR Cr.No.538/2018 & Cr.No.1578/2018 registered against the petitioners have been subsequently quashed by this Court and in view of the fact that the representations made by the petitioners have been pending, the first and second respondents are directed to consider the respective representations made by the petitioners and pass appropriate orders in accordance with law, in the matter of dropping the disciplinary proceedings, within a period eight weeks from the date of receipt of copy of this order.
- 7.With the above direction, these Writ Petitions are disposed of. No costs. Consequently, all connected WMPs are closed.

WEB COPY
s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The District Educational Officer,
O/o. The District Educational Officer,
Arakonam, Vellore District.
 2. The Block Educational Officer,
O/o The Block Educational Officer,
Nemili Taluk, Vellore District.
 3. The District Educational Officer,
O/o. The District Educational Officer,
Ranipet, Vellore District.
 4. The Block Educational Officer,
O/o The Block Educational Officer,
Walaja West, Vellore District.
 5. The District Educational Officer,
O/o. The District Educational Officer,
Thiurvannamalai & District.
 6. The Block Educational Officer,
O/o The Block Educational Officer,
Vanthavasi,
Thiurvannamalai District.
 7. The District Educational Officer,
O/o. The District Educational Officer,
Thiruppatthur, Vellore District.
 8. The Block Educational Officer,
O/o The Block Educational Officer,
Thiruppatthur, Vellore District.
 9. The Block Educational Officer,
O/o The Block Educational Officer,
Arakonam Taluk, Vellore District.
 10. The Block Educational Officer,
O/o The Block Educational Officer,
Kilpennathur, Thiurvannamalai District.
- +7 Ccs to Mr.K.Thilageswaran, Advocate sr 93841.

W.P.Nos.31685, 31690, 31699
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CA(CO)
SP(26/12/2019)