

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32010, 32012 & 32015 of 2019

and

W.MP.Nos.32259, 32260, 32261, 32262 & 32265 of 2019

- | | |
|---------------------|---------------------------------------|
| 1. C. Mohan | ..Petitioner in WP. No. 32010 of 2019 |
| 2. S.Yuvapriya | ..Petitioner in WP. No. 32012 of 2019 |
| 3. K.K.Ravichandran | ..Petitioner in WP. No. 32015 of 2019 |

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,
Kalasapakkam,
Thiruvannamalai. .. Respondents inWP. No. 32010 of 2019
- 3.The District Educational Officer,
O/o. The District Educational Officer,
Sathyamangalam, Erode District
- 4.The Block Educational Officer,
O/o The Block Educational Officer,
Sathyamangalam,
Erode District .. Respondents inWP. No. 32012 of 2019
- 5.The District Educational Officer,
O/o. The District Educational Officer,
Chidambaram, Cuddalore District
- 6.The Block Educational Officer,
O/o The Block Educational Officer,
Kumaratchi,
Cuddalore District .. Respondents inWP. No. 32015 of 2019

Prayer in WP. No.32010 of 2019: Writ Petition filed 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.2100/A2/2018 Dated 10.12.2018 issued by the 2nd respondent and quash the same.

Prayer in WP. No.32012 of 2019: Writ Petition filed 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.3440/A2/2018 Dated 21.12.2018 issued by the 1st respondent and quash the same.

Prayer in WP. No.32015 of 2019: Writ Petition filed 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. 1165/A1/2018 Dated 10.01.2018 issued by the 2nd 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

These Writ Petitions are taken up and disposed of by way of common order, since the issue involved in these Writ Petitions is common.

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 and perused the materials available on record.

4. The case of the petitioners is that the petitiners are working as Secondary Grade Teachers in their respective posting places and they were involved in criminal cases, FIR in Crime No. 1578/2018, dated 26.11.2018 u/s. 143,285 and 341 of IPC and Crime No.853/2018 dated 26.11.2018 u/s. 151 of Cr.PC and Crime No.365/2018 dated 26.11.2018, U/s. 151 of Cr.P.C against the petitioners of the respective writ petitions 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 & 2nd respondents only on the basis that criminal cases were registered against the petitioners. However, he would point out that subsequently, by orders of this Court in Cr.Op. No. 19600 of 2019, dated 24.07.2019 and Crl.OP.NO. 17234 of 2019 dated 03.07.2019 and in Crl.OP. NO. 19345 of 2019 dated 22.07.2019, the FIRs registered against the petitioners have been quashed. Therefore, the learned counsel for the petitioners would submit that the impugned proceedings passed by the respondents are liable to be set aside. Further he would also submit that after quashing the First Information Reports by this Court the petitioners have made their 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 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 against the petitioners have been subsequently quashed by this Court and also considering the fact that the representations made by the petitioners are pending without consideration, the first and second respondents are directed to consider the respective representations made by the petitioners and pass appropriate orders in accordance with law with regard to 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, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

2.The Block Educational Officer,
O/o The Block Educational Officer,
Kalasapakkam,
Thiruvannamalai.

3.The District Educational Officer,
O/o. The District Educational Officer,
Sathyamangalam, Erode District

4.The Block Educational Officer,
O/o The Block Educational Officer,
Sathyamangalam,
Erode District

5.The District Educational Officer,
O/o. The District Educational Officer,
Chidambaram, Cuddalore District

6.The Block Educational Officer,
O/o The Block Educational Officer,
Kumaratchi, Cuddalore District

+1cc to Mr.K.Thilageswaran, Advocate sr.94744
+1cc to Government Pleader SR.NO. 95122

W.P.No.32010, 32012
& 32015 of 2019
and

W.MP.Nos.32259, 32260, 32261,
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