

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.04.2019

CORAM
THE HONOURABLE Dr. JUSTICE ANITA SUMANTH

W.P.No.27445 of 2017

Dr.S.Balaarasu

.. Petitioner

Vs.

1.The Commissioner,
Directorate of Technical Education,
Guindy, Chennai.

2.EIT Poly Technic College,
Rep. By its Chairman,
Kavindapadi, Erode District. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceedings Ref.No.9696/EITPC/2017 dated 31-03-2017, quash the orders passed therein and direct the respondents to reinstate the petitioner from service with all consequential monetary and other service benefits.

For Petitioner : Mr.P.Arumugarajan

For Respondents : Mr.K.S.Suresh,
Government Advocate for R1

Mr.N.Manokaran for R2

O R D E R

The petitioner was working as a Lecturer in E.I.T. Polytechnic College, arrayed as the second respondent. He was implicated in a criminal case in Crime No.370 of 2011 for an alleged offence under Section 306 of I.P.C. The allegation was that on 07.03.2011, when he was delivering lecture in the classroom, he had scolded a particular student and slapped her for not being attentive in class, as a result of which, the said student committed suicide on the same evening.

2. The petitioner was placed under suspension for the aforesaid matter by order of the second respondent dated 28.03.2011. Post trial in the criminal case, the petitioner was convicted on 21.09.2016 and sentenced to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.50,000/-, in

default, to undergo further period of 2 years Simple Imprisonment. It is consequent upon the aforesaid conviction and sentence that the impugned order dated 31.03.2017 has been passed, dismissing him from service.

3. In the mean time, the petitioner filed an appeal in Criminal Appeal No.719 of 2016, that stood allowed on 21.07.2017, setting aside the conviction and sentence.

4. The learned counsel for the second respondent fairly states that the order of acquittal has attained finality and no Appeal has been filed against the same.

5. In the aforesaid circumstances, the petitioner's representation dated 21.08.2017 and 30.08.2017 requesting reinstatement with all consequential monetary and other service benefits shall be taken up and disposed of expeditiously by the second respondent after hearing the petitioner and thereafter, orders shall be passed within a period of four weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of in the above terms. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

tsg/sri

To

1.The Commissioner,
Directorate of Technical Education,
Guindy, Chennai.

2.EIT Polytechnic College,
Rep. By its Chairman,
Kavindapadi, Erode District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.37259

+1cc to Mr.P.Arumugarajan, Advocate, S.R.No.37233

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GP (CO)

RRS (24/06/2019)