

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Writ Petition No. 31379 of 2018
and
W.M.P. No. 36564 of 2018

A.Muthukrishnan

... Petitioner

Vs.

1. Director of Elementary Education
Directorate of Elementary Education
DPI Complex College Road
Chennai - 600 006.

2. Chief Education Officer
Namakkal District.

3. Director of Elementary Education
Thiruchenkodu
Namakkal District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records in connection with the show cause notice dated 15.10.2018 in proceedings Na.Ka.No.8997/E1/2018 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.N.Ramesh

For Respondents : Mr.A.Raja Perumal
Additional Government Pleader

O R D E R

The show cause notice dated 15.10.2018 issued by the Chief Educational Officer, Namakkal is under challenge in the present writ petition.

2.The learned counsel for the writ petitioner states that the show cause notice issued under Rule 17-B without conducting any process of enquiry as contemplated under the Tamil Nadu Civil Services (Discipline and Appeal) Rules. When the Chief Educational Officer, Namakkal produced a file, it was found that the writ petitioner was convicted by the competent criminal court of law and therefore, the show cause notice should have

been issued under the Rule 17 -C of the Tamil Nadu Civil Services (Discipline & Appeal) Rules. The Chief Educational Officer, who issued the show cause notice informed this Court that a revised show cause notice will be issued by withdrawing the impugned show cause notice dated 15.10.2018.

3. When the matter is taken up today, the learned Additional Government Pleader submitted that a copy of the revised show cause notice dated 29.03.2019 issued under Rule 17(C) (i) (1) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and the said notice is issued based on the order of conviction passed by the Special Judge/ Chief Judicial Officer, Namakkal dated 25.04.2018.

4. Thus, the writ petitioner is bound to submit his explanations / objections in respect of the show cause notice now issued vide proceedings dated 29.03.2018. On receipt of the explanation from the writ petitioner, the respondents are bound to consider the same and pass orders on merits and in accordance with law, as expeditiously as possible.

5. With these observations, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

may
To

1. The Director of Elementary Education
Directorate of Elementary Education
DPI Complex College Road
Chennai - 600 006.

2. The Chief Education Officer
Namakkal District.

3. The Director of Elementary Education
Thiruchenkodu
Namakkal District.

+1 CC to Mr.N.Ramesh, Advocate sr 33309.
+1 CC to Govt. Pleader sr 34099

W.P. No. 31379 of 2018

GJ(CO)
SP(30/04/2019)