



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

WEB COPY

W.P. (MD) No. 15816 of 2019

and

W.M.P. (MD) Nos. 12570 & 12571 of 2019

T. Jeevan Raju

.. Petitioner

Vs.

1. The Director of School Education,
O/o. the Director of School Education,
DPI Campus,
Chennai - 6.

2. The Joint Director of School
Education (Higher Secondary),
O/o. the Joint Director of School
Education (Higher Secondary),
DPI Campus,
Chennai - 6.

3. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Pudukkottai,
Pudukkottai District.

4. The District Educational Officer,
O/o. the District Educational Officer,
Ilupur,
Pudukkottai District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.5288/A3/2018, dated 20.12.2018, on the file of the fourth respondent and the consequential impugned order in Na.Ka.No.369/Aa3/2019, dated 31.01.2019, on the file of the fourth respondent, quash the same as illegal and consequently, direct the respondents 1 to 4 to permit the petitioner to participate in the General Transfer Counseling for the year 2019-20, scheduled on 12.07.2019, for promotion to the post of Primary School Headmaster, within the time limit to be fixed by this Court.

For Petitioner : Mr. T. Lajapathi Roy

<https://hcservices.ecourt.gov.in/Reserve>

: Mrs. S. Srimathy

Special Government Pleader

**ORDER**

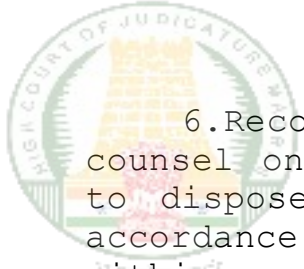
This Writ Petition has been filed seeking to quash the impugned order in Na.Ka.No.5288/A3/2018, dated 20.12.2018, on the file of the fourth respondent and the consequential impugned order in Na.Ka.No.369/Aa3/2019, dated 31.01.2019, on the file of the fourth respondent, and consequently, direct the respondents 1 to 4 to permit the petitioner to participate in the General Transfer Counseling for the year 2019-20, scheduled on 12.07.2019, for promotion to the post of Primary School Headmaster, within the time limit to be fixed by this Court.

2.Mrs.S.Srimathy, learned Special Government Pleader takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he is working as Secondary Grade Teacher in the Panchayat Union Primary School at Pallathupatti, Kundranarkovil Union, Pudukkottai District. A peaceful demonstration was made by the petitioner and other teachers from 22.01.2019 to 30.01.2019, exhibiting their anguish over non-consideration of old pension scheme instead of contributory pension scheme. Hence, an F.I.R. in Crime No.2014 of 2018 has been registered against them on 26.11.2018. Aggrieved over the same, they have approached this Court by way of filing Crl.O.P.(MD)No.3860 of 2019 seeking to quash the said FIR. This Court, by order dated 14.03.2019, quashed the said FIR and allowed the said quash petition. In these circumstances, the fourth respondent had issued the impugned charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Though his name was included in the panel for promotion to the post of Primary School Headmaster, due to the said 17(b) charges, he could not participate in the general transfer counseling. If the charge memo is not quashed, he would be deprived of his opportunity to get promotion.

4.Though this Writ Petition is filed for a larger relief, the learned counsel appearing for the petitioner in the course of his argument, restricted his relief for issuing a direction to the fourth respondent to dispose of the petitioner's representation within a time frame.

5.The learned Special Government Pleader appearing for the respondents submitted that quashing of the criminal proceedings will not stand in the way of the Department to proceed with the disciplinary proceedings pending against the petitioner independently. However, the representation of the petitioner will be considered by the fourth respondent, on merits and in accordance with law.



6. Recording the abovesaid submission made by the learned counsel on either side, this Court directs the fourth respondent to dispose of the petitioner's representation on merits and in accordance with law, as expeditiously as possible, preferably, within a period of three weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of, with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director of School Education,
O/o. the Director of School Education,
DPI Campus,
Chennai - 6.

2. The Joint Director of School
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O/o. the Joint Director of School
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O/o. the Chief Educational Officer,
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4. The District Educational Officer,
O/o. the District Educational Officer,
Ilupur,
Pudukkottai District.

+1CC TO MR. T. LAJAPATHI ROY, ADVOCATE, SR. 75630
+1CC to SPL. G. P. SR. No. 75754

W.P. (MD) No. 15816 of 2019

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