

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 11.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.21311 of 2018**

T.Thiruselvan

... Petitioner

Vs.

1. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Complex, College Road,
Chennai - 06.
2. The Joint Director of School Education (Higher Secondary),
Directorate of School Education,
DPI Complex, College Road, Chennai - 06.
3. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
4. The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.

... 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 relating to the impugned order of the first respondent, dated 12.07.2018 in O.Mu.No.81751/C3/E3/2014, quash the same and for a consequential direction to the respondents to regularize the service period of the petitioner during his suspension from 20.09.2014 to 30.05.2016 and pay arrears of salary; grant annual increment and dearness allowance with arrears and also sanction selection grade to the petitioner in the post of BT Assistant with effect from 01.06.2016 with all attendant and consequential monetary and other benefits.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.S.Angappan,
Government Advocate.**ORDER**

This writ petition has been filed seeking issuance of a writ of Certiorarified Mandamus, to quash the impugned order passed by the first respondent, dated 12.07.2018 and for consequential reliefs.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that he was appointed as B.T Assistant (English) on 12.07.2004 and on the basis of the complaint given by his wife, he was placed under suspension, by order, dated 26.11.2014. Challenging the same, the petitioner filed a Writ Petition in W.P(MD)No.7513 of 2015, in which, this Court, by order, dated 31.04.2015, dismissed the Writ Petition with an observation. Pursuant to the same, the petitioner was reinstated into service on 01.03.2016. The petitioner filed another Writ Petition in W.P(MD) No.19710 of 2016, to complete the disciplinary proceedings, wherein, this Court, by order dated 17.10.2016, had disposed of the same by fixing a time limit to complete the disciplinary proceedings. Since the same was not completed within the time stipulated by this Court and his promotion was overlooked, the petitioner again filed W.P(MD) Nos.7023 and 14755 of 2017, wherein, this Court, by common order, dated 23.01.2018, had set aside the disciplinary proceedings and also issued direction to the respondents to promote the petitioner to the post of PG Assistant. Since the same has not been complied with, the petitioner has filed Contempt Petitions in Cont.P(MD) Nos.496 and 497 of 2018 and this Court, by order dated 05.06.2018 closed the contempt petitions with directions. Pursuant to the same, the third respondent by proceedings, dated 18.06.2018 promoted the petitioner. In the meantime, the petitioner filed a Writ Petition in W.P(MD)No.16347 of 2018 to consider his representation, dated 22.06.2018 seeking for regularization his period of suspension, wherein, this Court, by order, dated 22.06.2018, had disposed of the Writ Petition by directing the respondents to consider the same. In the meanwhile, the first respondent issued the impugned order, 12.07.2018 alleging that the appeals are filed against the orders, dated 23.01.2018 in W.P(MD)Nos.7023 and 14755 of 2017 and therefore, his request can be considered only after the disposal of the said appeals. Challenging the same, the petitioner has filed the present Writ Petition.

4. Now, the learned counsel appearing for the petitioner submitted that the Division Bench of this Court has passed an order in W.A(MD)Nos.1475 and 1476, on 26.10.2018, wherein, the Division Bench of this Court had dismissed the appeals, confirming the order of the learned Single Judge, in which, in paragraph No.5 it is stated as follows:-

"5. However, we find force in the submission made by the learned counsel appearing for the respondent. Nothing is available as on today. Now, criminal case has been ended in acquittal. For registering the FIR the respondent cannot be found fault with. It is only matrimonial dispute between an estranged wife and the respondent. Therefore, looking from any perspective, we are of the view that the order of the learned Single Judge will have to be sustained for the



reason stated."

5. In such view of the matter, a duty is cast upon the respondents to regularize the service of the petitioner from 20.09.2014 to 30.05.2016 and calculate the arrears of salary, annual increment and Dearness Allowance along with Selection Grade in the post of BT Assistant with effect from 01.06.2016 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Complex, College Road, Chennai - 06.
2. The Joint Director of School Education (Higher Secondary),
Directorate of School Education,
DPI Complex, College Road, Chennai - 06.
3. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
4. The Chief Educational Officer,
Nagapattinam District, Nagapattinam.

+1 CC to SPECIAL GOVERNMENT PLEADER IN SR NO. (SR-53230[F] dated 12/03/2019)

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-53434[F] dated 12/03/2019)

ps

AE/11.04.2019/3P/7C

W.P (MD) No.21311 of 2018
11.03.2019