



WEB COPY

W.P(MD)No.18238 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

W.P(MD)No.18238 of 2019 and

WMP(MD) .No.14682 of 2019

S. Panchuraj

... Petitioner

Vs.

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

2.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Sivagangai,
Sivagangai District.

3.The District Educational Officer,
O/o. the District Educational Officer,
Sivagangai,
Sivagangai District.

4.The Disciplinary Authority / The Block Educational Officer II,
O/O the Block Educational Officer - II,
Sivagangai Union,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorariifed Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.2538/Aa1/2018, dated 07.01.2019 on the file of the respondent No.4 and quash the same as illegal and consequently, direct the respondents 1 to 4 to include the name of the petitioner in panel for promotion to the post of BT Assistant (Mathematics) within the time stipulated by this Court.

For Petitioner

: Mr.Aswin Rajasimman
for Mr.T.Lajapathi Roy

For Respondents

: Mrs. S. Srimathy
Special Government Pleader



ORDER

This writ petition has been filed to quash the impugned order passed by the 4th respondent in Na.Ka.No.2538/Aa1/2018, dated 07.01.2019 and consequently, direct the respondents 1 to 4 to include the name of the petitioner in panel for promotion to the post of BT Assistant (Mathematics) within the time stipulated by this Court.

2. Mrs.S. Srimathy, learned Special Government Pleader took notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner submitted that a criminal case has been registered against the petitioner in Crime No. 714 of 2018, on the file of the Inspector of Police, Sivagangai Town Police Station, Sivagangai District. In such circumstances, the 4th respondent has issued a impugned charge memo as per Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules for the two charges that he had participated in the protest and had burned the G.O.Ms.No.234 despite the warning given by the police. Therefore, challenging the said Crime number the petitioner has filed Crl.O.P(MD).No. 5722 of 2019 before this Court and the same was allowed. Thereafter, the petitioner has made a representation, dated 03.08.2019 to revoke the charge memo, but, the same has not been considered by the respondents so far. Hence, the petitioner has filed the present Writ Petition before this Court.

4. At the time of hearing, the learned counsel appearing for the petitioner submitted that even though a larger relief is sought for in this Writ Petition, it would suffice, if a direction is issued to the fourth respondent to consider and pass orders on the representation of the petitioner, dated 03.08.2019.

5. The learned Special Government Pleader appearing for the respondents would submit that if the petitioner is otherwise eligible, the respondents will consider the representation of the petitioner dated 03.08.2019, within the time stipulated by this Court on merits and in accordance with law.

6. Having regard to the limited scope of the prayer made by the petitioner and considering the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the fourth respondent to consider the representation of the petitioner, dated 03.08.2019 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, in any event, not later than six weeks from the date of receipt of a copy of this order.



W.P(MD)No.18238 of 2019

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

1. The Director of Elementary Education,
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4.The Disciplinary Authority / The Block Educational Officer II,
O/O the Block Educational Officer - II,
Sivagangai Union,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-83284[F] dated 26/08/2019)

W.P(MD)No.18238 of 2019 and
WMP(MD) .No.14682 of 2019
22.08.2019

KK/SAR/28.08.2019/3P-6C/