



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19420 of 2019

and

W.M.P. (MD) Nos.15872 to 15874 of 2019

I.Micheal Raj

... Petitioner

-Vs-

1.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-6.

2.The District Educational Officer,
Devakottai, Sivagangai.

3.The Block Educational Officer,
Kalaiyarkovil, Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records from the office of the second respondent and quash the impugned order passed by the second respondent vide A.Thi.Mu.No.5367/AA4/2019, dated 08.08.2019 and consequentially direct the first respondent to issue no objection to the petitioner to travel Germany from 12.09.2019 to 09.10.2019.

For Petitioner : Mr.S.Satheesh Kumar
For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

This Writ Petition is filed, challenging the order of the second respondent dated 08.08.2019, returning his request for permission to travel to Germany.

2.This Court, by the order dated 06.09.2019, directed the first respondent to issue no objection to the petitioner for travelling Germany, as scheduled between 12.09.2019 to 09.10.2019, without reference to the impugned order dated 08.08.2019.

3.The learned counsel appearing for the petitioner submitted that the respondents informed the petitioner that no objection will be sent through E-Mail and instructed him to travel. Accordingly, the petitioner travelled to Germany from 17.09.2019 to 16.10.2019



and returned back on 17.10.2019. He further submitted that after returning from Germany, on 18.10.2019, the petitioner reported for duty. However, the respondents are not permitting the petitioner to join duty, even though the learned Special Government Pleader has given opinion to permit the petitioner to join duty.

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4.The learned Special Government Pleader appearing for the respondents submitted that in view of pendency of clearance from police, the respondents have not permitted the petitioner to join duty.

5.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the materials available on record carefully.

6.Considering the submissions made by both parties and the fact that this Court, vide interim order dated 06.09.2019, directed the first respondent to issue no objection certificate to the petitioner for travelling to Germany as scheduled and the petitioner has travelled and returned, the respondents are without any reason, not permitting the petitioner to join duty. Therefore, the first respondent is directed to permit the petitioner to join duty without any delay. However, it is always open to the respondents to proceed against the petitioner as per the charge levelled against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

7.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

Myr

To

1.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-6.

2.The District Educational Officer,
Devakottai, Sivagangai.



3.The Block Educational Officer,
Kalaiyarkovil, Sivagangai.

+1CC TO MR.S.SATHEESH KUMAR, Advocate Sr. No. 96054

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.96364

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05.11.2019

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