



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.07.2019
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P (MD) No.10526 of 2015
and
M.P (MD) Nos.1 & 2 of 2015

K.Sekar

... Petitioner

Vs

1.The District Educational officer,
School Education Department,
Kumbakonam,
Thanjavur District.

2.The Secretary,
Town Higher Secondary School,
Kumbakonam,
Thanjavur District.

3.The Head Master,
Town Higher Secondary School,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned suspension order issued by the second respondent in his proceedings No.47/2015 dated 18.06.2015 and to quash the same as illegal.

For Petitioner : No Appearance

For R1 : Mrs.S.Srimathy,
Special Government Pleader

For R2 & R3 : Mr.Anwar Shameem

ORDER

The order of suspension issued by the second respondent in proceedings No.47/2015 dated 18.6.2015 is under challenge in the present writ petition.



2. The writ petitioner was appointed as Graduate Teacher and subsequently promoted to the post of the Post Graduate Teacher in the Second Respondent School in the year 2004. On account of certain allegations, the writ petitioner was placed under suspension and accordingly, the departmental disciplinary proceedings were initiated against him. The charges against the writ petitioner are serious in nature. The charge memo reads as under:-

"Charge-1

Thiru.K.Sekar, P.G.Assistant in Maths by driving away 21 students of section V-I, 12th std on 28.10.2014 at about 10.15 a.m., from the campus has failed to discharge his duties efficiently and diligently and thus violated regulation No.1 of the Annexure-II of Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974.

Charge-2

Thiru.K.Sekar, P.G.Assistant in Maths by sending a communication through Thiru.Vivekanandan, advocate and office bearer of VCK Political party dated 26.11.2014 (question No.20 threatening the management) has attempted to bring political pressure against the school management in respect of his individual service interest and thus violated the code No.9 of the Annexure-II of Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974."

3. Against the writ petitioner, the school girls filed a complaint before the Headmaster and based on that, departmental disciplinary proceedings are initiated. This apart, criminal case is also pending against the writ petitioner. This being the factum, there is no infirmity in respect of the order of suspension. However, it is brought to the notice of this Court that the order of suspension was already revoked and the writ petitioner is serving. This being the factum, the relief sought for in the present writ petition deserves no further consideration as the order of suspension had already been revoked by the respondents.

4. The learned counsel appearing on behalf of the third respondent made a submission that the departmental disciplinary proceedings initiated against the writ petitioner were proceeded with and that the enquiry proceedings were concluded. The final order is yet to be passed and on account of the interim order granted by this Court, the department is unable to pass the final order.

5. This being the factum, this Court is of the considered opinion that no further consideration is required, as the order of suspension has already been revoked. As far as the disciplinary proceedings are concerned, the competent authorities are bound to



proceed with the departmental disciplinary proceedings in all respects and conclude the same and pass final orders in the departmental disciplinary proceedings by following the procedure contemplated under law.

6. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The District Educational officer,
School Education Department,
Kumbakonam,
Thanjavur District.

2.The Secretary,
Town Higher Secondary School,
Kumbakonam,
Thanjavur District.

3.The Head Master,
Town Higher Secondary School,
Kumbakonam,
Thanjavur District.

+1cc to Mr.T.Antony Arul Raj, Advocate, SR.No.75782

+1cc to the Spl.Govt.Pleader Sr.No.75455

W.P (MD) No.10526 of 2015

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