

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 10.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.16840 of 2015**

P.Nagarajan

... Petitioner

-Vs-

1.The Director of School Education,
School Education Department,
Chennai.

2.The Joint Director (Personnel),
School Education Department,
College Road, Chennai.

3.The Chief Educational Officer,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to take appropriate departmental action against Manoharan, who is working as Teacher in Government Higher Secondary School, Thondi, as per rule 17(2) of Tamil Nadu Civil Services (Discipline ad Appeal) Rules and recommended by the third respondent in vide proceedings Na.Ka.No.1081/A5/2015, dated 09.03.2015 within the time limit fixed by this Court.

For Petitioner

: Mr.AL.Kannan

For Respondents

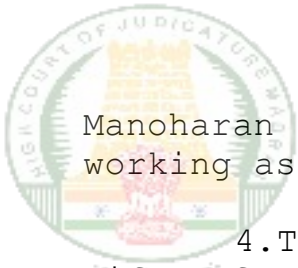
: Mrs.S.Srimathy,

Special Government Pleader.

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents 1 and 2 to initiate proper departmental action against one Manoharan, who is working as Teacher in Government Higher Secondary School, Thondi, as per Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules as recommended by the third respondent in proceeding dated 09.03.2015.

2.First of all, the relief sought for is to initiate action against one Manoharan, who is working as Teacher in Government Higher Secondary School, Thondi. The said Manoharan has not been impleaded as party respondent in the present Writ Petition. Therefore, the Writ Petition is liable to be rejected on the ground of not impleading the necessary parties.



Manoharan was relieved from service on 31.05.2016 and he is not working as Teacher as of now.

4.This apart, pursuant to the complaint submitted by the wife of the writ petitioner, a criminal case was registered against the said Manoharan in Crime No.150 of 2014 by R.S.Mangalam Police Station, Ramanathapuram District under Sections 294(b), 323, 355, 506(i) IPC r/w Section 4 of Women Harassment Act.

5.In view of the fact that the criminal case is now pending as well as the said Manoharan is not in service as of now, it is left open to the writ petitioner to pursue the criminal case in the manner known to law. However, as far as the departmental actions are concerned, the competent authorities are empowered to initiate all further actions based on the pending criminal case or if any final orders are passed, suitable actions are to be initiated either under the Tamil Nadu Civil Services (Discipline and Appeal) Rules or under the Tamil Nadu Pension Rules, 1978.

6.With these observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Director of School Education,
School Education Department,
Chennai.

2.The Joint Director (Personnel),
School Education Department,
College Road, Chennai.

3.The Chief Educational Officer,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-74883[F] dated 11/07/2019)

MYR

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