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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.07.2019
CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.(MD).No.18890 of 2015
and
M.P.(MD)No.1 of 2015

R.Selvan,
PG Assistant (under Suspension),
Government Higher Secondary School,
Edaiyathi Village and Post,
Tanjore District-614 628 ... Petitioner

-Vs-

1. The Joint Director (Higher Secondary)
of School Education,
Chennai-600 006.

2. The Chief Educational Officer,
Tanjore, Tanjore District.

3. The Head Master,
Government Higher Secondary School,
Edaiyathi Village and Post,
Tanjore District-614 628. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of suspension in R.C.No.58000/W2/S3/2015, dated 11.09.2015, on the file of the first respondent and quash the same as illegal and consequently to direct the respondents to re-instate the petitioner back in service within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondent : Mrs.S.Srimathy
Special Government Pleader

ORDER

The order of suspension, dated 11.09.2015, is under challenge in the present writ petition.

2.Pursuant to the interim order granted by this Court, the writ petitioner was reinstated and now he is working. In view of the fact that the order of suspension was revoked, pursuant to the interim order during the year 2015, the writ petitioner need not be placed under suspension till the conclusion of the disciplinary proceedings initiated against him. However, the authorities competent are bound to proceed with the departmental disciplinary

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proceedings and conclude the same and pass final orders as expeditiously as possible.

3.The learned counsel appearing on behalf of the writ petitioner states that already five years lapsed and therefore, a time limit may be fixed for the conclusion of the departmental disciplinary proceedings. However, the fact remains that a criminal case registered against the writ petitioner is also pending. The criminal case relates to certain private disputes and therefore, the authorities may not be in a position to decide the cases in the absence of any availability of materials to conduct the departmental disciplinary proceedings. If the department is possessing the documents, materials for the purpose of continuing the departmental disciplinary proceedings they are at liberty to continue the same and pass orders as early as possible. If no materials are available, then they have to keep the disciplinary proceedings in abeyance till the final disposal of the criminal case.

4.With these clarifications, the Writ Petition stands disposed of No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Joint Director (Higher Secondary)
of School Education,
Chennai-600 006.

2.The Chief Educational Officer,
Tanjore, Tanjore District.

3.The Head Master,
Government Higher Secondary School,
Edaiyathi Village and Post,
Tanjore District-614 628.

+1 CC to SPL GP (SR-78836[F] dated 31/07/2019)
+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-79085[F] dated 01/08/2019)

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