



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.12.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD)No.25810 of 2019

G.Bharathi

... Petitioner

/vs./

1.The Director of Elementary Education,
Directorate of Elementary Education,
Chennai.

2.The District Educational Officer,
District Education Office,
Pudukottai.

3.The Block Elementary Education Officer,
Block Educational Office,
Arimalam Panchayat Union,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order dated 27.11.2019 passed by the second respondent in O.Mu.No.5777/A5/2019 quash the same and further direct the respondents 1 and 2 to grant permission to the petitioner to travel to Singapore from 06.12.2019 to 19.01.2020.

For Petitioner

: Mr.S.Anand Chandrasekar
for M/s.Sarvabhauman Associates

For Respondents

: Mr.M.Karuppasamy
Government Advocate

ORDER

This writ petition has been filed to quash the order dated 27.11.2019 passed by second respondent in O.Mu.No.5777/A5/2019, further direct respondents 1 and 2 to grant permission to the petitioner to travel to Singapore from 06.12.2019 to 19.01.2020.

2.Heard the learned counsel appearing for the petitioner and learned Government Advocate appearing for the respondents.

3.Quoting the pendency of disciplinary proceedings against the petitioner, for issuance of No Objection Certification for the purpose of leaving the Country between the period from 06.12.2019 to 19.01.2020, the impugned order dated 27.11.2019 has been passed. It is seen that in connection with the petitioner's participation in the strike called for by the Federation of JACTO GEO, a charge memo



has been issued on 30.01.2019. Thereafter, there is no progress in the disciplinary proceedings.

4.Today, the learned Government Advocate has filed a counter affidavit, in which it has been stated that pursuant to the charge memo, an enquiry has been proposed to be conducted.

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5.When the respondents have not chosen to act expeditiously and have been waiting for more than 11 months from the date of the charge memo, it cannot be said that the proceedings would get further delayed, if the petitioner is permitted to leave the Country for a period of 45 days. The reason assigned by the petitioner is also reasonable, since he intends to assist his daughter during her delivery of a child. As such, the reason assigned by the respondents in the impugned order seems to be very unreasonable.

6.In the light of the above observations, the impugned order dated 27.11.2019 in O.Mu.No.5777/A5/2019 passed by the second respondent is set aside. Consequently, the petitioner is permitted to leave the Country and he is also required to return back on or before 20.01.2020. The petitioner shall also furnish an affidavit before the second respondent herein undertaking that he will return to India on 20.01.2020 and thereafter, co-operate with the disciplinary proceedings, if any.

7.Accordingly, the Writ Petition stands ordered. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

Rmk

To

1.The Director of Elementary Education,
Directorate of Elementary Education,
Chennai.

2.The District Educational Officer,
District Education Office,
Pudukottai.

3.The Block Elementary Education Officer,
Block Educational Office,
Arimalam Panchayat Union,
Pudukottai District.

+1cc to Mr.Sarvabhavauman Associates, Advocate, SR No.104404

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KK/SAR/11.12.2019/2P-5C/