

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.09.2020

PRONOUNCED ON : 29.09.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.10293 of 2020
and W.M.P.No.12511 of 2020

K.Raju

... Petitioner

-Vs-

1 The Director of School Education
Directorate of School Education
College road Nungambakkam Chennai - 34

2 The Chief Educational Officer
Namakkal District Namakkal

3 The Head Master
Government Higher Secondary School Athanur
Rasipuram Namakkal District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to the impugned order in N.K.No. 1684/A2/2009 dated 06.12.2018 on the file of the second respondent and quash the same.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.P.Raja, Government Advocate

O R D E R

The matter was taken up through Web-hearing.

2. Petitioner is working as a Drawing Teacher at the Government Higher Secondary School at Karuppur, Salem District. According to the petitioner, he has completed 37 years of serve in the School Education Department and for personal reasons the petitioner submitted a request for voluntary retirement on 03.09.2019 and the same was also forwarded by the Headmaster of

the School vide his proceedings on 07.09.2019 to the second respondent. Since the request for voluntary retirement was not considered and no action has been taken, the petitioner is before this Court.

3. Learned counsel for the petitioner would submit that the petitioner was earlier facing departmental action on certain allegations of misconduct, however the departmental action ultimately ended in imposition of a penalty of censure on 06.12.2018. The petitioner was given to understand that because of the imposition of the penalty of censure no decision has been taken on the voluntary retirement request and therefore the petitioner is impelled to challenge the censure order on the stated grounds.

4. Notice was ordered in the writ petition and Mr.P.Raja, Government Advocate entered appearance for the respondents.

5. When this Court confronted the learned Government Advocate appearing for the respondents as to how the imposition of the penalty of censure on 06.12.2018 could be a legal impediment for taking a decision in the voluntary retirement application of the petitioner, the learned counsel would submit that if a direction is issued to the authority concerned for taking a decision in response to the request of the petitioner, the same would be considered and complied with.

6. This Court in fact is unable to appreciate if what is understood by the petitioner that the penalty of censure was the reason for not accepting his voluntary retirement request, when the punishment itself was imposed as early as on 06.12.2018. Even otherwise, a censure is the least of minor penalties envisaged in the service rules and by no stretch of advancing the administrative interest, the request for voluntary retirement could be denied on that account. Nevertheless, as on date it appears that there is no legal impediment for the respondents to accept the request for voluntary retirement of the petitioner if the petitioner is not otherwise facing any serious disciplinary action.

7. In the above circumstances, the writ petition is disposed of with a direction to the respondents to process the request of the petitioner seeking voluntary retirement from service by his letter dated 07.09.2019. In case no disciplinary action is pending against him for any serious charges, the same shall be accepted by passing suitable orders. The second respondent / competent authority is directed to pass appropriate orders as indicated above within a period of two weeks from the date of receipt of a copy of the order.

8. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

- 1 The Director of school Education
Directorate of School Education
College road Nungambakkam Chennai - 34
 - 2 The Chief Educational Officer
Namakkal District Namakkal
 - 3 The Head Master
Government Higher Secondary School Athanur
Rasipuram Namakkal District.
- +1 cc to The Government Pleader, Sr.No. 32138

SSI (CO)

RMP (13/10/2020)

W.P.No.10293 of 2020

सत्यमेव जयते

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