



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2020

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P (MD) No.5588 of 2020

V.Ganesan

.. Petitioner

Vs.

1.The Director of Elementary Education,
O/o.the Director of School Education,
DPI Campus,
Chennai - 6.

2.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Sivagangai,
Sivagangai District.

3.The District Educational Officer,
O/o.The District Educational Officer,
Sivagangai,
Sivagangai District.

4.The Block Educational Officer I,
O/o.The Block Educational Officer I,
Sivagangai Union,
Sivagangai 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 4th respondent to drop the disciplinary proceedings initiated against the petitioner in pursuance to the proceedings of the 4th respondent in Na.Ka.No.2538/Aa1/2018 dated 07.01.2019 and to include the name of the petitioner in the Panel for Promotion to the post of BT Assistant (Mathematics) within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Thiyagarajan,
Government Advocate.



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the 4th respondent to drop the disciplinary proceedings initiated against the petitioner in pursuance of the proceedings of the 4th respondent in Na.Ka.No.2538/Aa1/2018, dated 07.01.2019 and to include the name of the petitioner in the Panel for Promotion to the post of BT Assistant (Mathematics).

2.Mr.A.Thiyagarajan, learned Government Advocate takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the petitioner is working as a Secondary Grade Teacher in Panchayat Union Middle School at Komalipatti, Sivagangai Union, Sivagangai District. On 26.11.2018, the petitioners and other teachers had participated in a peaceful demonstration showing their displeasure over G.O.Ms.Nos.234 and 303, for which, the Inspector of Police, Sivagangai Town Police Station registered a case in Crime No.714 of 2018 under Sections 143 and 285 IPC. Aggrieved over the same, the petitioner and others approached this Court by filing Crl.O.P(MD)No.14399 of 2019 and this Court, vide order, dated 17.10.2019, quashed the proceedings in Crime No.714 of 2018. Subsequently, the 4th respondent had issued a charge memo as per Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, due to which, his name was not included in the panel for promotion for the post of B.T. Assistant (Maths). Since the FIR has been quashed, the disciplinary action initiated against him, is liable to be dropped. Therefore, he has sent several representations, to the 4th respondent seeking to drop the charges. But, the same have not been considered so far. Therefore, the petitioner has come up with the present writ petition.

4.The learned counsel appearing for the petitioner submitted that due to the pendency of the charge memo, the petitioner's name was not included in the panel for promotion to the post of B.T. Assistant and the charges against the similarly placed persons, were dropped by the 4th respondent, based on the quashing of FIR. He would further submit that it would suffice, if the representation of the petitioner dated 26.11.2019, is directed to be disposed of by the 4th respondent as per law.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

6.Considering the limited scope of prayer sought for, this Court, without advertting to the merits of the case, directs the 4th respondent to consider the representation of the petitioner, dated 26.11.2019 and pass orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the



petitioner shall enclose the copy of the representation, dated 26.11.2019 to the 4th respondent.

7. With the above directions, this Writ petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

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O/o. the Director of School Education,
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+1 CC to M/s.SPL.GP (SR-12445[F] dated 19/03/2020)

**ORDER MADE IN
W. P (MD) No. 5588 of 2020**

18.03.2020

SPU (24.06.2020) 3P-6C