



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.08.2020**

CORAM

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.9536 of 2020

N.Chandrasekar

...Petitioner

-Vs-

1.The Chief Educational Officer,
Dindigul District, Palani Road,
Dindigul.

2.The District Educational Officer,
Dindigul District,
Palani Road,
Dindigul.

3. The Head Master,
Nehruji Memorial Municipal Higher Secondary School,
Dindigul,
Dindigul District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 22.07.2020 and to pass orders to remove the criminal case entry in the service register of the petitioner with in a time frame as stipulated by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.A.Thiyagarajan,
Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 22.07.2020 and to pass orders to remove the criminal case entry in the service register of the petitioner with in a time frame as stipulated by this Court.



2. Heard Mr.S.Sarvagan Prabhu, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents.

3. The petitioner was appointed as Vocational Teacher Grade-I on 01.06.1995 and joined the service at the third respondent School, thereafter, he was regularised from service on 09.02.2007 and has been working till date in the said school.

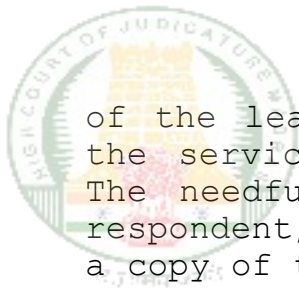
4. While so, in the year 2019 due to some misunderstanding between the petitioner and his wife, it seems, there was a complaint by his wife, based on which, he was arrested on 13.07.2009 and he had been in judicial custody till 18.07.2009, which triggered the authorities to place him under suspension. Thereafter, his suspension was revoked subsequent to the orders passed by this Court and in the year 2012, the petitioner has been acquitted from the criminal case in C.C.No.564 of 2010 by the competent Criminal Court and thereafter, the petitioner has also got divorce through the competent Court, from his wife on 04.01.2012.

5. In this regard, the grievance of the petitioner is that, in the service register of the petitioner only the arrest made on 13.07.2009 and his judicial custody till 18.07.2009 has been entered into by the Head Master of the concerned School and the subsequent development, where, he has been acquitted in the criminal case, has not been entered and in this regard, even though the petitioner had given a request/application the same has not been considered by the Head Master/third respondent. Therefore, the petitioner has given a representation to that effect on 22.07.2020, thus, the learned counsel for the petitioner now wants the third respondent to consider the representation and make the necessary entry in the Service Register of the petitioner with regard to the acquittal obtained by the petitioner from the Criminal Court.

6. Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents would submit that, it is a fact that on 13.07.2009 he was arrested and he was in judicial custody till 18.07.2009, therefore, that factor has been registered in the service book and that cannot be erased, however, subsequent development, where, the petitioner got acquitted in the year 2012 would certainly be considered and entered in the Service Register accordingly.

7. Considering the said submissions made by the learned counsel appearing for both sides, having regard to the factual matrix, this Court is inclined to dispose of this writ petition, with the following direction:

"that the respondents, especially, the third respondent shall consider the petitioner's representation dated 22.07.2020 and pass orders therein, to the effect that the acquittal obtained by the petitioner in the criminal case in C.C.No.564 of 2010 on the file



of the learned Judicial Magistrate No.II, Dindigul is entered in the service register and communicate the same to the petitioner. The needful as indicated above shall be undertaken by the third respondent, within a period of six weeks from the date of receipt of a copy of this order.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Am

Note:

(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chief Educational Officer,
Dindigul District, Palani Road,
Dindigul.
2. The District Educational Officer,
Dindigul District, Palani Road,
Dindigul.
3. The Head Master,
Nehruji Memorial Municipal Higher Secondary School,
Dindigul, Dindigul District.

+1 CC to Mr.S.SARVAGAN PRABHU, Advocate SR-14483.

Order made in
W.P. (MD)No.9536 of 2020
Dated:
19.08.2020

SJ(CO)
CS(09.10.2020) 3P 5C