



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.12.2020

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.17855 of 2020

K.Madhivanan

...Petitioner

Vs

1.The Director of Elementary Education,
Department of Elementary Education,
No.17, College Road,
Thousandwards West,
Nungambakkam,
Chennai 600 008.

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner as Headmaster, in light of the acquittal Judgment in Crl.A(MD)No.178 of 2017, dated 30.06.2020 passed by this Court and regularize the period of suspension of the petitioner from 22.05.2015 till date as duty period with full pay and allowances as admissible under Rule 54 B(9) of the Tamil Nadu Government Fundamental Rules, within the time stipulated by this Court.

For Petitioner	: Mr.I.Pinaygash
For Respondents	: Mr.N.Shanmugaselvam Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to reinstate the petitioner into service as Headmaster, in light of the judgment passed in Crl.A.(MD) No.178 of 2017, dated 30.06.2020 by this Court and to regularize the petitioner's suspension period ie., from 22.05.2015 till the date as duty period, with full pay and allowances under Rule 54 B(9) of the Tamil Nadu Government Fundamental Rules.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner would submit that initially a case in Cr.No.183 of 2015 has been filed as against the petitioner for the offences punishable under Sections 354-A(2) of IPC and Section 4 B(2) of the Tamilnadu Prohibition Women Harassment Act, 1998 and the same has been taken on file in S.C.No.35 of 2016 by the learned Mahila Judge, Pudukottai. After



trial, on 12.06.2017, the learned Mahila Judge, Pudukottai, convicted the petitioner and challenged the same, the petitioner has preferred a criminal appeal in CrI.A.(MD) No.178 of 2017 before this Court and this Court, vide judgment dated 30.06.2020, acquitted the petitioner from all the charges initiated as against him. In the meantime, based on the conviction order passed by the learned Mahila Judge, Pudukottai, dated 12.06.2017, the 2nd respondent, by proceedings dated 19.06.2017, removed the petitioner from service.

4.The learned counsel would further submit that subsequent to judgment, dated 30.06.2020 passed by this Court in CrI.A.(MD) No.178 of 2017, wherein, the petitioner was acquitted from all the charges, he has made a representation, dated 25.08.2020 to the respondents seeking to reinstate him into service as Headmaster. However, the respondents have not taken any steps to consider the claim of the petitioner. Hence, the petitioner is before this Court for passing appropriate orders.

5.The learned counsel would further submit that as per Rule 54-B-9 of the Tamilnadu Government Fundamental Rules, the petitioner is entitled to reinstate into service as Headmaster and that the respondents are bound to instate the petitioner into service, since the petitioner is entitled for the same.

6.Mr.N.Shanmugaselvam, who takes notice on behalf of the respondents, would submit that when the petitioner was convicted in S.C.No.35 of 2016, the dismissal order has been passed by the 2nd respondent. However, he would submit that the petitioner's representation dated 25.08.2020 would be considered on merits and in accordance with law, since the petitioner was acquitted from all the charges, vide judgment dated 30.06.2020.

7.In view of the submissions made by the learned counsels on either side, this Court is inclined to pass the following direction:-

the respondents are directed to consider the petitioner's representation dated 25.08.2020 and pass appropriate orders, in the light of Rule 54-B-9 of the Tamilnadu Government Fundamental Rules, within a period of twelve weeks from the date of receipt of a copy of this order;

8.With the above direction, the Writ Petition stands disposed of. No costs.

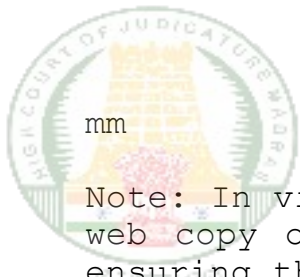
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: 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 Director of Elementary Education,
Department of Elementary Education,
No.17, College Road,
Thousandwards West,
Nungambakkam,
Chennai 600 008.

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

+1 CC to SPL GP (SR-24454[F] dated 08/12/2020)

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VB (16.12.2020) 3P 4C