



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.2411 of 2021

and

W.M.P (MD) No.1990 of 2021

WEB COPY

C.R.Rajakumar

...Petitioner

Vs.

1.The Secretary to the Government,
School Education Department,
Fort St.George, Chennai-600 009.

2.The Joint Director of School Education (Personnel),
College Road,
Chennai-600 006.

... 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 of the impugned Charge-memo issued by the first respondent in Letter No.16958/A2/2000-19 dated 03.10.2005 and to quash the same as illegal and consequently directing the respondents to drop all further proceeding initiated against the petitioner pursuant to the Charge memo dated 03.10.2005.

For Petitioner : Mr. D.Srinivasaragavan

For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

O R D E R

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

2.The petitioner herein, while working as an Assistant in the second respondent department, was levelled with certain charges on 03.02.2000. As per charges, he was alleged to have misused his official position and secured an appointment to his wife in a surplus post by creating bogus documents and that no action was taken by him based on G.O.Ms.No.245, Education Department, dated 21.02.1970, when the earlier retirement vacancy arose. In connection with the same charges, criminal proceedings were also initiated against the petitioner in C.C.No.132 of 2005 on the file of the learned Judicial Magistrate No.II, Kuzhithurai and by a judgment dated 02.11.2012, the petitioner was acquitted from all the charges and the order of acquittal came to be confirmed by this Court on 06.07.2017 in CrI.R.C.No.380 of 2017.



3.The grievance of the petitioner is that even though he has been acquitted from all the criminal charges, which was incidentally for the same charges in the departmental proceedings, the respondents had not considered his representation made in the year 2017, requesting them to drop the charges. The petitioner has now challenged the charge memo issued in the year 2005.

4.In my view, if the respondents are directed to consider the petitioner's request, wherein his grievance is that the charges need to be dropped in view of the criminal proceedings being ended in his favour and also on the ground of laches, the ends of justice could be secured.

5.In the light of the above observations, the petitioner is granted liberty to make a fresh representation to the first respondent herein, ventilating his grievance together with all supporting documents and on receipt of the same, the first respondent herein shall endeavour to consider the said representation, in the light of the observations made in this order, as expeditiously as possible, preferably, within a period of three weeks from the date of receipt of a copy of the representation. Till such consideration of the petitioner's representation, the first respondent herein shall not take any further proceedings on the charge memo dated 03.10.2005.

6.Accordingly, this Writ Petition stands disposed of. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Secretary to the Government,
School Education Department,
Fort St.George, Chennai-600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Joint Director of School Education (Personnel),
College Road,
Chennai-600 006.

+3 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-4360[F] dated 10/02/2021
) , (SR-4471[F] dated 11/02/2021)

+1 CC to M/s.SPL GP (SR-4627[F] dated 11/02/2021)

W.P. (MD) No.2411 of 2021

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MJ (CO)

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