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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.10.2021
CORAM:
THE HONOURABLE MR.JUSTICE M.DURAISWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1953 of 2021
and
C.M.P(MD)No.8777 of 2021

A.Raja ... Appellant/Petitioner

Vs.

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Sivagangai.

2.The District Educational Officer,
Office of the District Educational Office,
Thirupattur.

3.The Secretary,
Vallalpari Higher Secondary School,
Piranmalai, Sivagangai District.

4.The Headmaster,
Vallalpari Higher Secondary School,
Piranmalai,
Sivagangai District. ... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 02.09.2021 made in W.P(MD)No.26421 of 2019 on the file of this Court.

Prayer in WP(MD). 26421/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to the impugned proceedings issued by the 3rd respondent herein in O.Na.N.Va Po 2019 dated 23.2.2019 and quash the same and consequently direct the respondent to reinstate the petitioner into service and regualrize his service with all attendant monetary benefits.

For Appellant : Mr.K.P.Ramesh
For RR 1 & 2 : Mr.P.Thilak Kumar
Government Pleader
For RR 3 & 4 : Mr.C.Arul Vadivel @ Sekar

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JUDGMENT

(Judgment of the Court was delivered by

M.DURAISWAMY,J.)

Challenging the order passed in W.P(MD)No.26421 of 2019 dated 02.09.2021, the writ petitioner has filed the above Writ Appeal.

2.The appellant has filed the Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the third respondent, dated 23.02.2019 and to quash the same and consequently, directing the respondents to reinstate the petitioner into service and regularise his service with all attendant and monetary benefits.

3.The appellant was working as a Teacher in the third respondent School since 23.02.2003. A complaint was registered against the appellant under POCSO Act and the criminal case is pending for trial. Consequent to the complaint registered against the appellant, he was placed under suspension by the third respondent vide proceedings, dated 23.02.2019. Challenging the order of suspension, the appellant has filed the Writ Petition.

4.Before the learned Single Judge, the learned counsel appearing for the third respondent submitted that during the pendency of the Writ Petition, subsistence allowance has been paid and also enquiry was conducted against the appellant and after completion of the same, punishment of dismissal from service was imposed against him and the same was also approved by the official respondents.

5.Since the respondents have already passed an order of dismissal against the appellant, the learned Single Judge has rightly dismissed the Writ Petition. If the appellant is aggrieved over the order of dismissal, he should challenge the same in accordance with law. In the Writ Petition, the appellant has challenged only the order of suspension.

6.In such view of the matter, we do not find any ground to interfere with the order passed by the learned Single Judge. Accordingly, the Writ Appeal is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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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 Chief Educational Officer,
Office of the Chief Educational Officer,
Sivagangai.

2.The District Educational Officer,
Office of the District Educational Office,
Thirupattur.

3.The Secretary,
Vallalpari Higher Secondary School,
Piranmalai,
Sivagangai District.

4.The Headmaster,
Vallalpari Higher Secondary School,
Piranmalai,
Sivagangai District.

+2 CC to M/s.K.P.RAMESH, Advocate (SR-32276[F] dated 22/10/2021)
+1 CC to M/s.SPL.GP (SR-32367[F] dated 25/10/2021)

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