



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.21264 of 2021**

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M.Shanthi

... Petitioner

versus

1. The Principal Secretary to Government,  
Social Welfare and NMP Department,  
Secretariat,  
Chennai - 600 009.
2. The Superintendent, Admn III Sec.  
Commissionerate of Social Welfare,  
Chennai - 600 015.
3. The District Social Welfare Officer,  
District Social Welfare Office,  
Virudhunagar District.
4. The Block Development Officer,  
Rajapalayam Panchayat Union,  
Virudhunagar District.
5. Commissionerate of Social Welfare,  
No.1, Panagal Maligai Building 2<sup>nd</sup> Floor,  
Near Kalaignar Arch, Jeenis Road,  
Saidapet, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records in connection with the order of dismissal passed by the fifth respondent in his proceedings PROC No.31917/Admn 5-1/2016 dated 31.07.2019 and quash the same as illegal incompetent without jurisdiction and further direct the respondents to consider the petitioner's application dated 12.10.2021 and reinstate her with pay, all other monetary and service benefits.

For Petitioner: Mr.K.S.Durai Pandian

For R1 to R3 : Mr.S.Shaji Bino,  
Special Government Pleader

For R4 : Mr.V.Nirmal Kumar,  
Government Advocate

**ORDER**

This writ petition is filed as against the order dated 31.07.2019, in and by which, the fifth respondent dismissed the petitioner from service.

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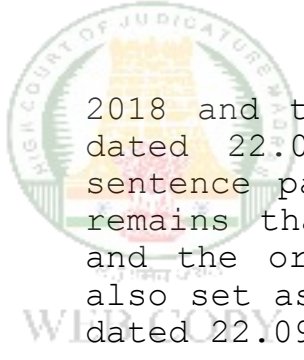
2. The petitioner was appointed as Palvaadi Teacher at Puttur Nursery School in the year 1982. Thereafter, she was promoted as Rural Welfare Officer in the year 2016. While so, she was placed under suspension on the ground that she is involved in a criminal case in Cr.No.649 of 2016 for the offence punishable under Sections 302, 120(b), 201, r/w. 34 of IPC. In the said case, a final report was filed and the same was tried by the learned Principal District and Sessions Judge, Virudhunagar at Srivilliputhur, in S.C.No.2 of 2017. After the trial, the petitioner was convicted and sentenced by the trial Court, vide order dated 25.09.2018, based upon which, the fifth respondent, vide order dated 31.07.2019, dismissed the petitioner from service. Challenging the order of conviction and sentence, the petitioner filed an appeal before this Court in CrI.A. (MD)No.500 of 2018. This Court, vide Judgement dated 22.09.2021, set aside the order of conviction and sentence. After the order of acquittal, the petitioner made a representation on 12.10.2021, requesting the respondents to reinstate her into service. As there was no response from the respondents, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner submits that without conducting any departmental proceedings, the petitioner was dismissed from service on the ground that she has involved in a criminal case. Now, the order of conviction and sentence imposed by the trial Court was set aside by the appellate Court. Hence, he requests for setting aside the impugned order of dismissal.

4. Mr.S.Shaji Bino, learned Special Government Pleader submits that since the petitioner was involved in serious offence of 302 IPC and the trial Court has also found the petitioner guilty, she was dismissed from service as per Rule 17(c) of Tamil Nadu Civil Services (Discipline and Appeal) Rules.

5. This Court paid its anxious consideration to the rival submissions made.

6. Admittedly, the petitioner, while in service, was added as an accused in Cr.No.649 of 2016. On completion of the investigation, final report was filed and the same was tried by the learned Principal District and Sessions Judge, Virudhunagar at Srivilliputhur in S.C.No.2 of 2017. After the trial, the Court of Sessions, vide order dated 25.09.2018, convicted and sentenced the petitioner for the alleged offences. Challenging the same, the petitioner preferred an appeal before this Court in CrI.A.No.500 of



2018 and the appeal was also allowed by this Court vide Judgment dated 22.09.2021 by setting aside the order of conviction and sentence passed by the trial Court in S.C.No.2 of 2017. The fact remains that the entire case was based on circumstantial evidence and the order of conviction and sentence passed by the trial was also set aside by this Court in Crl.A.(MD)No.500 of 2018, vide order dated 22.09.2021.

7. In view of the above, the impugned order of dismissal dated 31.07.2019 passed by the fifth respondent under Rule 17(c) of Tamil Nadu Civil Services (Discipline and Appeal) Rules is set aside and the matter is remitted back to the concerned authority to reconsider the case of the petitioner, in the light of the Judgment passed by the Appellate Court in Crl.A.(MD)No.500 of 2018, dated 22.09.2021 and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary to Government,  
Social Welfare and NMP Department,  
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Chennai - 600 009.
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5. Commissionerate of Social Welfare,  
No.1, Panagal Maligai Building 2<sup>nd</sup> Floor,  
Near Kalaignar Arch, Jeenai Road,  
Saidapet, Chennai.

+1 CC to M/s.SPL GP ( SR-38576[F] dated 14/12/2021 )

**W.P(MD)No.21264 of 2021**  
**13.12.2021**

IMS (CO)  
TR(18.03.2022) 4P 7C