



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P(MD)No.26421 of 2019
& WMP(MD) No.22830 of 2019

A.Raja

... 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,
Sivagangai District.

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

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the third respondent herein in O.Na.N.Va.Po.2019 dated 23.02.2019 and quash the same and consequently direct the respondent to reinstate the petitioner into service and regularise his services with all attendant and monetary benefits.

For Petitioner : Mr.K.P.Ramesh
For Respondents : Mr.S.Shanmugavel,
learned counsel for R1 & R2
Mr.C.Arul Vadivel,
learned Counsel for R3 & R4

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the third respondent herein in O.Na.N.Va.Po.2019 dated 23.02.2019 and quash the same and consequently direct the respondent to reinstate the petitioner into service and regularize his services with all attendant and monetary



benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

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

4. The writ petitioner has been working as a Teacher in the third respondent school since 23.02.2003. It appears that since the petitioner was alleged to have misbehaved with the girl students, a show cause notice dated 16.02.2019 was issued to him and he also submitted his explanation on 19.02.2019. A criminal case under POCSO Act was registered against the petitioner. Consequently, the petitioner was placed under suspension by the 3rd respondent vide proceedings dated 23.02.2019. Aggrieved by the same, the petitioner has come forward with the present Writ Petition, challenging the impugned suspension proceedings dated 23.02.2019 and praying to direct the respondents to reinstate him into service.

5. The learned counsel appearing for the petitioner would submit that the petitioner has been working for the past 17 years without any complaint whatsoever from any quarter and he was falsely implicated in the criminal case. However, by impugned proceedings, the 3rd respondent placed the petitioner under suspension, which cannot be sustained. He pointed out that even though 9 months have lapsed from the date of suspension, no charge memo was issued nor enquiry was conducted. He also submitted that though initially, no subsistence allowance was paid, but at the instance of this Court, subsequently, it was settled.

6. The learned counsel appearing for the respondents 3 and 4 while reiterating the averments of the counter affidavit filed on behalf of the 3rd respondent, would submit that since the petitioner had misbehaved with the girl students of the school, the petitioner was issued charge memo and subsequently, a criminal case was registered against him, pursuant to which, since he was involved in a crime of grave nature involving moral turpitude, he was placed under suspension. He would further submit that during the pendency of the Writ Petition, subsistence allowance has been paid and also enquiry was conducted against the petitioner and after completion of the same, punishment of dismissal from service was imposed against the petitioner and the same was also approved by the Educational authorities.

7. In view of the submission made by the learned counsel appearing for the respondents 3 and 4 that subsequently, the petitioner was imposed punishment of dismissal from service and the same was approved by the Educational authorities, virtually nothing survives in the Writ Petition to be adjudicated and it is for the



approaching the appellate authority if he is so advised and also seek for payment of arrears of subsistence allowance and other benefits due and payable by the respondents by making an appropriate application to the authorities concerned.

8. With the above observation, the Writ Petition is dismissed. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

+1 CC to M/s.K.P.RAMESH, Advocate (SR-28252[F] dated 06/09/2021)

+1 CC to M/s.GP (SR-28074[F] dated 03/09/2021)

W.P (MD) No.26421 of 2019
02.09.2021

RD(15.09.2021) 3P 7C