



W.P.No.22809 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.22809 of 2022

P.Rajendran

.... Petitioner

-Vs-

1.Chief Educational Officer
Chief Educational Office
Cuddalore.

2.The District Elementary Educational
Officer, Cuddalore-01.

3.District Educational Officer
District Educational Office
Chidambaram, Cuddalore-01.

4.The Director of Elementary Education
DPI Campus, College Road
Chennai 600 006.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to consider the representation dated 08.07.2022 of the petitioner within a reasonable period and to reinstatement of his service as per law.

For Petitioner : Mr.V.Shanmugasundaram
For Respondents : Mr.T.Chezhian
Additional Government Pleader



W.P.No.22809 of 2022

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 3rd respondent to consider the representation dated 08.07.2022 of the petitioner within a reasonable period and to reinstate his service as per law.

2. The petitioner was working as a Secondary Grade Teacher at Panchayat Union Middle School. While so, there was a criminal case filed against the petitioner for the alleged offences punishable under Section 498A IPC. Based on such criminal case pending against the petitioner, the petitioner was suspended from service with effect from 11.06.2004.

3. Thereafter, the criminal case was conducted, which ended in conviction against the petitioner on 21.02.2006 followed by an order of dismissal passed by the respondents against the petitioner on 22.02.2006. The petitioner preferred a Criminal Appeal against the said conviction which was pending for some time. Thereafter, it was ultimately decided by this Court where the Criminal Appeal No.261 of 2006 filed by the petitioner was allowed by this Court by the judgment dated 18.04.2018.

4. Since the said conviction having been set aside, the petitioner thereafter has given a representation on 08.07.2022 to the respondents for his reinstatement. However, since the said representation has not been considered and the petitioner has not been so far reinstated, he has moved the present writ petition with the aforesaid



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5. Reiterating the aforesaid facts, Mr.V.Shanmugasundaram learned counsel for the petitioner seeks the indulgence of this Court to issue suitable direction to the respondents to consider the representation of the petitioner dated 08.07.2022 and to reinstate him in the light of the judgment passed by this Court in the Criminal Appeal referred to above.

6. Heard Mr.T.Chezian, learned Additional Government Pleader appearing for the respondents, who would submit that initially the petitioner was suspended based on the pendency of the criminal case and subsequently removed from service based on the conviction. Thereafter, only in the year 2018 the judgment of the Trial Court was reversed by this Court and he has been acquitted. Therefore, based on the same the petitioner's representation dated 08.07.2022 would be considered and necessary orders with regard to the reinstatement would be passed if there is no impediment available against the petitioner.

7. I have considered the submissions made by the learned counsel for both sides and have perused the materials placed on record.

8. In view of the allowing of the Criminal Appeal No.261 of 2006 by this Court as referred to above in the year 2018, where the conviction made against the



W.P.No.22809 of 2022

petitioner having been set aside, the petitioner would be entitled to get reinstatement.

Therefore, in this context his representation submitted on 08.07.2022 can be considered by the respondents and a decision to that effect shall be made within a time frame.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the respondents to consider the representation of the petitioner dated 08.07.2022 based on the aforesaid facts and circumstances and necessary orders to that effect shall be passed by the respondents reinstating the petitioner into service with immediate effect.
- Once such an order is passed and the petitioner is reinstated, the other benefits payable to him shall also be considered and an order to that effect also shall be passed by the respondents.



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W.P.No.22809 of 2022

● The needful as indicated above shall be undertaken by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above directions, this writ petition is disposed of. No costs.

01.09.2022

Index : Yes/No
Internet : Yes/No
KST
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R. SURESH KUMAR, J.

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