



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

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

W.P. (MD)No.8530 of 2020

and

W.M.P. (MD)Nos.7906 to 7908 of 2020

S.Ravichandran

: Petitioner

Vs.

1.The Director,
Directorate of Elementary Education,
DPI Complex,
Nungambakkam,
Chennai.

2.The Chief Educational Officer,
Theni District,
Theni.

3.The District Educational Officer,
Theni District,
Theni.

4.The Block Educational Officer,
K.Mayiladumparai,
Theni District.

5.The Inspector of Police,
All Women Police Station,
Andipatti, Theni District.

: Respondents

[R.5 suo-motu impleaded vide order dated 03.08.2020]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent in Rc.No.2242/A5/2017 dated 15.10.2019, quash the same and direct the third respondent to transfer the petitioner to any other location within the district.

For Petitioner : No representation

For Respondents : Mr.S.Saji Bino
Special Government Pleader



ORDER

The petitioner, who was working as a Headmaster, was placed under suspension as per the orders of the third respondent dated 15.10.2019. Challenging the same, the present writ petition is filed, on the ground that the prolonged suspension has to be reviewed as per the decision in ***Ajaykumar Choudhry v. Union of India*** [2015 (7) SCC 291].

2. When the matter was taken up for hearing on 24.01.2022, there was no representation for the petitioner and therefore, the case was directed to be listed under the caption 'for dismissal'.

3. Even today, none appeared on behalf of the petitioner. Therefore, the matter was passed over and again taken up for hearing post-lunch. Even then, there is no representation for the petitioner.

4. This Court has perused the grounds raised in support of this petition and also heard the learned Special Government Pleader appearing for the respondents.

5. Learned Special Government Pleader submitted that the petitioner, a Headmaster, had indulged in sexual harassment and there were so many complaints as against him. Therefore, on public interest, the petitioner was placed under suspension. He further submitted that a criminal case has also been registered as against the petitioner in Crime No.370 of 2017, on 01.12.2017, for the offence under Section 10 of POCSO Act. However, the learned Special Government Pleader is not having any instructions with regard to the stage of the criminal case and the stage of the departmental proceedings.

6. Perusal of the suspension order reveals that the petitioner has misused his position as Headmaster and misbehaved with three students of the institution. On the complaint of the students, an enquiry was contemplated and *prima facie* materials were found as against this petitioner. On public interest, he was placed under suspension. The respondents, though placed him under suspension, appears to have not proceeded with the departmental proceedings. The stage of the criminal proceedings is also not known. It is a settled position that even if the subject matters in the criminal proceedings as well as the departmental proceedings are one and the same, there is no bar for the department to proceed with the departmental proceedings.

7. Under such circumstances and considering the nature of charge, this writ petition is disposed of with a direction to the respondents to issue charge memo, proceed with the departmental



proceedings and conclude the same, in accordance with law, within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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// True Copy //

/ /2022

Sub Assistant Registrar

To

- 1.The Director,
Directorate of Elementary Education,
DPI Complex,
Nungambakkam,
Chennai.
- 2.The Chief Educational Officer,
Theni District,
Theni.
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gk
MS/17.03.2022/3P.6C