



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.10880 of 2020

and

W.M.P. (MD) Nos.9558, 9560 & 9561 of 2020

P.Julius Ravichandran

... Petitioner

vs.

1.The Director of School Education
College Road, Chennai-600 006

2.The Chief Educational Officer
Tirunelveli-627 009

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned suspension order made by the 2nd respondent in his proceedings in R.C.No.7133/D1/2018, dated 03.09.2018 and quash the same as arbitrary and consequently directing the 2nd respondent to reinstate the petitioner at Bharathiyar Municipal High School, Tirunelveli Town, Tirunelveli District with all the benefits.

For Petitioner : Mr.S.R.Anbarasu

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

O R D E R

The order of suspension, dated 03.09.2018, passed by the second respondent, is under challenge in this writ petition.

2. The petitioner was holding the post of Headmaster in Bharathiyar Municipal High School, Tirunelveli Town. A criminal case was registered against the petitioner regarding misconduct and misbehaviour with girl students studying in the School. Simultaneously, departmental disciplinary proceedings were initiated and the petitioner was placed under suspension.



3. The learned counsel for the petitioner mainly contended that in the criminal case, charge sheet has been filed. As far as the departmental disciplinary proceedings are concerned, the Enquiry Officer conducted enquiry, submitted his report to the Disciplinary Authority, but the said report is yet to be communicated to the petitioner.

4. This Court is of the considered opinion that departmental disciplinary proceedings and the criminal proceedings are distinct and different. Pendency of criminal proceedings is not a bar for the conclusion of the disciplinary proceedings. Departmental disciplinary proceedings shall be conducted and concluded independently, even during the pendency of criminal proceedings. In the present case, already the Enquiry Officer has conducted enquiry and submitted his report. While so, the Competent Authority has to follow the further procedure by communicating the copy of the enquiry report to the delinquent official and seeking objection from him and thereafter, consider the case on merits and in accordance with law, take a decision and pass appropriate orders. In view of the fact that the petitioner is under suspension, the departmental disciplinary proceedings are to be completed as expeditiously as possible.

5. The learned Additional Government Pleader raised an objection by stating that the petitioner was working as Headmaster and the allegation against him was regarding misconduct and misbehaviour with the girl children studying in the School and the second respondent, in the counter affidavit, has stated that the enquiry officer has conducted enquiry and submitted his report to the Disciplinary Authority. Therefore, the respondents need not wait for the final outcome of the criminal proceedings as they can independently proceed further, take a decision in the departmental disciplinary proceedings. Even in case the petitioner is acquitted in the criminal case, the same will not have any bearing on the departmental disciplinary proceedings. If the petitioner is found guilty and convicted in the criminal case, all appropriate actions are to be taken. This being the scope of departmental disciplinary proceedings and criminal proceedings, the Authorities shall proceed with the departmental disciplinary proceedings, communicate the enquiry report to the petitioner, call for his objection and thereafter, pass appropriate orders on merits and in accordance with law.

6. Accordingly, the respondents are directed to proceed with the departmental disciplinary proceedings by following the procedures contemplated and by affording opportunity to the petitioner and pass final orders on merits and in accordance with law as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.



7. With these observations and directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Director of School Education,
College Road, Chennai-600 006.

2.The Chief Educational Officer,
Tirunelveli-627 009.

+1 CC to M/s.SPL.GP (SR-16739[F] dated 05/04/2022)

W.P. (MD) No.10880 of 2020

and

W.M.P. (MD) Nos.9958, 9560 & 9561 of 2020

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