



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.11487 of 2019

and

W.M.P. (MD)Nos.8757 to 8759 of 2019

A.Gnanasekaran

... Petitioner

-Vs-

The District Educational Officer,
Pudukkottai District,
Pudukkottai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned charge memo in Na.Ka.No.3457/A1/2019 dated 04.01.2019 and the impugned deemed order of suspension in R.C.No.3457/A1/2018 dated 12.04.2019 issued by the respondent for placing the petitioner until further orders without contemplation of any enquiry and quash the same and consequently direct the respondent herein to regularize the period of suspension with all monetary and service benefits and permit the petitioner to attend his duty in the transferred place of Panchayat Union Primary School, Manapatti, Gandarvakottai Union, Pudukkottai District.

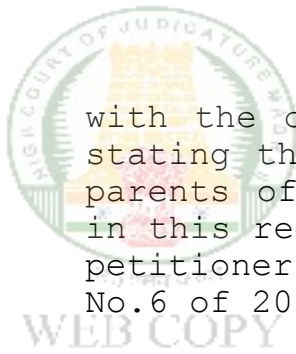
For Petitioner : Mr.P.Vadivel

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

ORDER

The charge memo dated 04.01.2019 and the deemed order of suspension dated 12.04.2019 are under challenge in the present Writ Petition.

2.The petitioner was working as Headmaster of Union Primary School, N.Pudupatty, Gandarvakottai Union, Pudukkottai District. There was an allegation of sexual harassment against one Anbarasan, who was working as Teacher in the said school and a complaint was given by one Sathiya, W/o. Sakthivel, stating that the said Anbarasan has involved in the said allegation of sexual harassment to her daughter. The petitioner states that he forwarded the same to the Block Educational Officer, Gandarvakottai, for taking immediate action. With reference to the said complaint, actions were initiated by the department and the writ petitioner was issued



with the charge memo in the impugned proceedings dated 04.01.2019, stating that the petitioner even on receipt of complaints from the parents of girl students, has failed to initiate proper action and in this regard, a criminal case was also registered against the writ petitioner before All Women Police Station, Pudukkottai, in Crime No.6 of 2018 on 31.07.2018.

3.In respect of the allegations set out in the charge memo, department has to conduct an enquiry and conclude the same as expeditiously as possible. If the records and evidences are available with reference to the charges, then the department need not wait for the disposal of the criminal case and they are having powers to proceed with the enquiry and conclude the same and dispose of the departmental disciplinary proceedings. The petitioner was placed under deemed suspension on account of registration of criminal case and the charge memo, which is impugned in the Writ Petition, was issued on 04.01.2019.

4.This being the factum, the respondent is directed to proceed with the enquiry, if the records are available for the purpose of conducting enquiry. On completion of enquiry, a decision is to be taken to keep the disciplinary proceedings in abeyance, till the disposal of the criminal case or otherwise in the event of keeping the disciplinary proceedings in abeyance, then the order of suspension is to be reviewed as per the Government guidelines.

5.With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar

To
The District Educational Officer,
Pudukkottai District,
Pudukkottai.

+1 CC to M/s.SPL.GP (SR-4988[F] dated 09/02/2022)

W.P. (MD)No.11487 of 2019
08.02.2022

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