



WEB COPY

W.A.No.2556



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Appeal No.2556 of 2023
and
CMP.No.21567 of 2023

S.Seemon Arulraj

.. Appellant

Versus

1. The Chief Educational Officer,
Chief Educational Officer,
Krishnagiri District.

2. The District Educational Officer (Elementary)
District Educational Officer,
Govt. Hr.Sec.School Campus,
Mullai Nagar, Hosur.

3. The Block Educational Officer,
Block Educational Office, Shoolagiri,
Krishnagiri District.

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 27.03.2023 made in WP.No.9320 of 2023.

For Appellant : Mr.A.Immanuel

For Respondents : Mr.Silambanan, Addl.Advocate General assisted by
Mrs.S.Anitha, Special Government Pleader



JUDGMENT

(Judgment of the Court was delivered by R. MAHADEVAN, J.)

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Heard both sides and perused the records placed before this court.

2.This writ appeal arises from the order passed by this Court in W.P.No.9320 of 2023 on 27.03.2023.

3.The aforesaid writ petition was filed by the appellant herein / writ petitioner to set aside the order passed by the third respondent dated 27.06.2022 and for issuance of a consequential direction to the respondents to reinstate him as Secondary Grade Teacher in Panchayat Union Primary School at Thekkalapalli, Shoolagiri Block, Krishnagiri District, with all attendant benefits.

4.The case of the appellant herein is that he is working in the above school as Secondary Grade Teacher right from the date of his appointment i.e., on 29.04.2005. He was placed under suspension by the third respondent by proceedings dated 27.06.2022. Charge memo was also issued under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, seeking explanation based on the complaint received from one R.Solomon on 20.12.2022 alleging that the appellant was functioning as Honorary Secretary of a Church in Church of South India and this is against Rule 14 of the Tamil Nadu Government Servants Conduct Rules. Since no



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enquiry was conducted and no order has been passed after issuing charge memo, contending that it is illegal to keep the appellant under prolonged suspension, the appellant has filed the writ petition with the prayer as already stated supra.

5.It was argued on behalf of the State before the learned Judge that the authorities have initiated disciplinary proceedings against the appellant as he has been working in the school as well as in a private church, which is contrary to the Tamil Nadu Government Servants Conduct Rules.

6.After taking note of the decision quoted on the side of the appellant in the case of *J.Magesh Santhakumar vs. The Secretary to Government, Department of School Education and others, reported in MANU/TN/7509/2022*, wherein it is emphasised that Rule 14-A of the Tamil Nadu Government Servants Conduct Rules, 1973, only prohibits the Government servants from becoming a member of any Association or Organisation which promotes disharmony or feelings of enmity, hatred or ill between different religious, racial, language, caste community or regional groups, the learned Judge without expressing any opinion on the issue as to whether the appellant has violated Section 14-A of the aforesaid Rules, directed the authorities to conduct an enquiry on the disciplinary proceedings issued against the appellant and pass appropriate orders in accordance with law before the first week of October

2023.

<https://www.mhc.tn.gov.in/judis>



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7.As against the order passed by the learned Judge, the appellant has come up with this appeal stating that the appellant has answered all the charges put forth against him and that he is not guilty of the charges, since there is no prohibition in Rule 14-A for a Government Servant from being a member of any Association or Organisation which is not anti-secular or which is not prejudicial to the integrity of India.

8.On 20.09.2023, when this appeal came up for hearing, this Court directed the Chief Educational Officer, Krishnagiri District to appear before this Court on 25.09.2023 and explain the delay as to why the order passed by this Court in the writ petition has not been complied with. The said officer has not appeared before this Court on 25.09.2023. In view of the non-appearance of the said Officer, this Court directed the Registry to issue warrant to the officer, for his appearance on the next date of hearing. Accordingly, Mrs.K.P.Mageshwari, Chief Educational Officer, Krishnagiri appeared in person before this Court on 06.10.2023 and filed an affidavit dated 30.09.2023 stating that she was intimated of the said order to appear before this Court only on 25.09.2023; that she was attending all CEOs Review Meeting held on 21st, 22nd and 23rd September 2023 and on the last date of the meeting, she became unwell and suffered severe “migraine” and was permitted to leave the meeting early in view of the ill health. Due to these reasons, she was not able to appear before this Court on 25th September 2023 and hence, her non-appearance before this Court on



25.09.2023 is neither wilful nor wanton. Stating so, the officer has tendered unconditional apology and prayed to purge her from the proceedings. It is further stated in the affidavit filed by her that the second respondent herein on 26.09.2023, vide proceedings in Na.Ka.No.1679/B3/2023 revoked the order of suspension of the appellant and posted him as Secondary Grade Teacher in the Panchayat Union Primary School, Thekkapalli.

9.It is also submitted by the learned Additional Advocate General appearing for the respondents that following the guidelines imposed in G.O.Ms.No.81 Human Resources Management (N) Department, dated 04.08.2022, the order of suspension imposed on the appellant has been revoked and he has been posted in the school where he worked earlier. It is further submitted that an Enquiry Officer has already been appointed for early completion of the enquiry proceedings initiated against the appellant, as directed by this court; and that, notice was also issued to the appellant to appear for enquiry, but he did not respond to the same and hence, a direction may be issued to him to co-operate with the enquiry.

10.In view of the above averments made in the affidavit filed by the Chief Educational Officer, Krishnagiri District as well as the submissions made by the learned Additional Advocate General appearing for the respondents, this court is inclined to modify the order of the learned Judge passed in the writ petition by



directing the authorities concerned to complete the enquiry proceedings initiated against the appellant, within a period of three months from the date of receipt of a copy of this judgment. The appellant is directed to co-operate with the enquiry for early completion of the same. This Court accepts the unconditional apology tendered by the Chief Educational Officer, Krishnagiri District and places on record the affidavit filed by her.

11.This writ appeal stands disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [M.S.Q., J.]
06.10.2023

Index : Yes / No
Internet : Yes / No
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