



WP No.34289 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.07.2023**

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

WP No.34289 of 2019

And

W.M.P.No. 34928 of 2019

G.Loganathan

... Petitioner

-Vs-

1. The Secretary to Government
School Education Department
Fort. St. George
Chennai – 600 004.
2. The Director of Public Libraries
No.737/1, Anna Salai,
Chennai – 600 002.
3. The District Library Officer
Infantry Road,
Vellore – 632 001.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India



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praying for a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order of dismissal from service passed by the third respondent in proceedings Na.Ka.No.327/A1/2019(2) dated 28.03.2019 and the order passed by the second respondent in proceedings Na.Ka.No. 3141/A3/2019 dated 13.09.2019 and quash these orders and consequently direct the respondents to reinstate the petitioner in service with full backwages and other consequential service and monetary benefits.

For Petitioner : Mr. R.Prem Narayan

For Respondents : Mr.S.Ravikumar
Special Government Pleader

ORDER

Let me be a little careful in examining the facts of the case since, the petitioner is facing trial in C.C.No. 75 of 2020 before the learned Judicial Magistrate No.II, Vellore.

2. The short issue is about a certificate which had been produced by the petitioner herein and on the basis of which he was granted promotion



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by the respondents. The departmental proceedings were then initiated against the petitioner herein and the certificate, namely, 12th standard mark sheet produced by the petitioner herein was sent for further verification before the educational authorities and a report was received from them. They alleged that the certificate produced by the petitioner herein was a forged certificate.

3. The contention of the learned counsel for the petitioner herein is that though the documents to that effect had been produced from the educational authorities, the respondents had marked the same without any oral evidence. It was also contended that copies of the documents so marked were not given to the petitioner herein. Complaining that principles of natural justice had been violated, the present Writ Petition has been filed seeking interference with the punishment awarded.

4. However as stated above with respect to the same issue, the petitioner is facing trial in C.C.No. 75 of 2020 now pending before the



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learned Judicial Magistrate No.II at Vellore. Let the petitioner continue to participate in the said calendar case. If the Judgment / observations in the Judgment passed by the learned Judicial Magistrate No.II, can be read by the petitioner to his advantage, then an obligation is based on the respondents to reopen the disciplinary enquiry and permit the petitioner to cross examine the witness to produce the document from the educational department and also give necessary copies to the petitioner herein and permit the petitioner also to lead evidence.

5. At that stage, the departmental enquiry can be reopened but at this stage I am not interfered with the findings. The departmental enquiry can be reopen depending on the Judgement in Criminal Court / Judicial Magistrate No.II, Vellore.



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6. Observing as aforesaid, no specific findings have been given against the petitioner herein with respect to the charges laid against him. The Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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C.V.KARTHIKEYAN, J.,



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