



WEB COPY



W.P.Nos.30548 & 30551 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.30548 & 30551 of 2018
and W.M.P.Nos.35635 & 35637 of 2018

Periyasamy

... *Petitioner in both WPs*

Vs.

1.The Chief Educational Officer,
Erode.

2.The District Educational Officer,
Erode.

3.The Secretary,
Kasthuriba Gandhi National Memorial Trust,
Kasthurbagram Post, Arachalur,
Erode District.

4.Mr.S.N. Balasubramanian,
Secretary,
Kasthuriba Gandhi National Memorial Trust,
Kasthurbagram Post, Arachalur,
Erode District.

... *Respondents in both WPs*

Prayer in WP.No.30548/2018: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified



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Mandamus, calling for the records pertaining to the impugned proceedings in Na.Ka.No.624/2018-19 dated 22.10.2018, passed by the 3rd respondent and quash the same and consequently direct the respondent to reinstate the petitioner and regularize the period of suspension as duty.

Prayer in WP.No.30551/2018: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in 609/2018-19 dated 15.09.2018, passed by the 3rd respondent and quash the same.

For Petitioner : Mr.R. Nalliyappan
(in both WPs)

For Respondents : Mr.M. Shajahan, [R1 & R2]
(in both WPs) Special Government Pleader
Mr.K. Sathish Kumar [R3 & R4]

COMMON ORDER

In both these Writ Petitions, the Charge Memo dated 15.09.2018 issued under Section 17(b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, as well as the suspension order dated 22.10.2018, are put under challenge.



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2. Pending the Writ Petitions, the petitioner had subsequently filed another Writ Petition in WP.No.7385 of 2020, wherein, he had challenged the second show cause notice dated 16.03.2020 issued by the third respondent herein, in the disciplinary proceedings. This Court, by an order dated 31.03.2022, had refused to interfere with the second show cause notice and directed the petitioner to submit his detailed the explanation before the Disciplinary Authority, within a period of two weeks. While passing such order, direction was also issued to the third respondent herein, to settle the entire subsistence allowance to the petitioner, within a period of one week.

3. In view of the order passed by this Court dated 31.03.2022, the prayer seeking for interference to the disciplinary proceedings, as well as the suspension order, does not deserve consideration.

4. It is now brought to the notice of this Court that pursuant to the directions of this Court in WP.No.7385 of 2022, the petitioner had also given his further explanation to the second show cause notice and the



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respondents have forwarded the same to the Chief Educational Officer, under Section 22 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, seeking for approval of the proposed action taken and the same is pending.

5. The learned counsel appearing for the first and second respondents would submit that in view of the pendency of the present Writ Petitions, the Chief Educational Officer, is not in a position to take further course of action and in view of the earlier order of this Court dated 31.03.2022 passed in WP.No.7385 of 2020, the prayers sought for in the present Writ Petitions have become infructuous.

6. At this juncture, the learned counsel appearing for the third respondent would submit that after the orders were passed in WP.No.7385 of 2020, the subsistence allowance till the month of March 2022, has already been paid to the petitioner and that they would also disburse the balance amount of subsistence allowance.



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7. Accordingly, there shall be a direction to the third respondent, to forthwith disburse to the petitioner the entire arrears of subsistence allowance, commencing from the month of April 2022, within a period of one (1) week from the date of receipt of a copy of this order and continue such payment till the disposal of this Writ Petition. There shall also be a direction to the first respondent herein, to pass final orders in the Approval Petition filed by the third respondent herein, under Section 22 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, within a period of two (2) weeks thereafter.

8. With the above directions, the Writ Petitions stand closed. No costs. Connected miscellaneous petition are also closed.

02.03.2023

Speaking/Non-speaking Order
Internet: Yes/No
Index: Yes/No
Neutral Citation: Yes/No

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M.S.RAMESH, J.

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To

- 1.The Chief Educational Officer,
Erode.
- 2.The District Educational Officer,
Erode.
- 3.The Secretary,
Kasthuriba Gandhi National Memorial Trust,
Kasthurbagram Post, Arachalur,
Erode District.
- 4.Mr.S.N. Balasubramanian,
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