



W.A(MD)No.182 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.03.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A(MD)No.182 of 2023  
and  
CMP(MD)No.2291 of 2023

1. The Director of Elementary Education,  
Department of Elementary Education,  
No.17, College Road, Thousandwards West,  
Numgambakkam, Chennai 600 008.

2. The District Educational Officer,  
District Educational Office,  
Pudukottai District.

... Appellants

vs.

K.Mathivanan

... Respondent

**PRAYER :** Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 10.10.2022 passed in W.P(MD)No.4676/2021.

For Appellants : Mr.D.Sadiq Raja  
Additional Government Pleader  
For Respondent : Mr.I.Pinaygash



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## **JUDGMENT**

**(Judgment of the Court was made by  
R.SUBRAMANIAN, J.)**

The State is aggrieved by the order passed in the writ petition filed by the respondent challenging the order dismissing him from service on the sole ground of his being convicted by the criminal court.

2. The respondent who was working as a Headmaster was charged with certain criminal offences in Crime No.183 of 2015. He was suspended from service and the charge memo was also issued on 28.01.2016. Thereafter, the respondent came to be convicted by the trial Court on 12.06.2017 in S.C.No.35 of 2016. In view of the said conviction, the respondent was dismissed from service on 19.06.2017. However, on appeal, the conviction and sentence imposed by the trial Court were set aside. The respondent sought for reinstatement in view of the conviction having been set aside. The Writ Court had allowed his prayer for reinstatement. The



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Writ Court however had taken care to observe that it will be open to the department to continue with the disciplinary proceedings after reinstating the respondent. Liberty has also been given to the appellants to keep the respondent under suspension and pay him subsistence allowance if they do not want to reinstate him.

3. We have heard Mr.Sadiq Raja, learned Additional Government Pleader appearing for the appellants and Mr.Pinaygash, learned counsel appearing for the respondent.

4. We do not think that the Writ Court could be faulted for having set aside the order of dismissal since the order of dismissal is based only on the conviction by the criminal court. Upon the conviction having been set aside, the order of dismissal will have to necessarily go. The Writ Court has also taken care to reserve liberty to the appellants to conduct a proper enquiry on the charges which they are entitled to under law. We, therefore, do not see any ground to interfere with the order of the Writ Court.



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5. The Writ Appeal fails and it is accordingly dismissed.

The appellants will have eight weeks time to pay the arrears of subsistence allowance to the respondent. No costs. Connected miscellaneous petition is closed.

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
bala

**[R.S.M.,J.] & [L.V.G.,J.]**  
**07.03.2023**

To

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**R.SUBRAMANIAN, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

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**JUDGMENT MADE IN**  
**W.A(MD)No.182 of 2023**  
**DATED : 07.03.2023**