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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.22523 of 2024
and W.M.P.Nos.24538 & 24539 of 2024

K.S.Shivakumar

... Petitioner

Vs.

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

2.The District Educational Officer,
Perundurai, Erode District.

3.The Head Master,
Government High School,
Singanallur,
Perundurai, Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the concerned records relating to proceedings dated 09.05.2024 in Na.Ka.No.10262/(A4)A3/2022 passed by the 1st respondent and quash the same.



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For Petitioner : Mr.M.Gnanasekar

For Respondents : Mrs.E.Ranganayagi
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent in Na.Ka.No.10262/(A4)A3/2022 dated 09.05.2024.

2.The case of the petitioner is that he was appointed as a B.T. Assistant (Maths) in the year 2006 in a Government Middle School. Thereafter, he was transferred to the 3rd respondent School in the year 2010. Based on the complaint given by the Headmistress, disciplinary proceedings were initiated against the petitioner in the year 2019. The petitioner was also suspended from service.

3.The petitioner challenged the suspension order by filing W.P.No.14718 of 2019. This Court entertained the writ petition and granted stay of the order of



suspension. Pursuant to this order, the petitioner was reinstated into service. In view of the same, writ petition itself was closed on 10.09.2019 by recording the said fact.

4.The petitioner was once again suspended from service in the year 2022 by the 1st respondent. The petitioner once again challenged this order by filing W.P.No.396 of 2023. This Court on considering the facts and circumstances of the case and also the earlier order passed by this Court was pleased to interfere with the order of suspension and accordingly, the same was quashed. This Court granted liberty to the respondents to conclude the disciplinary proceedings within a period of one month.

5.The grievance of the petitioner is that the 1st respondent through the impugned proceedings dated 09.05.2024 has once again revived the disciplinary proceedings against the petitioner and that the petitioner is being continuously harassed by the respondents. That apart, when the time limit that has already been fixed by this Court has expired, there was no right or authority for the 1st respondent to initiate proceedings without seeking for extension of time from



this Court. It is under these circumstances, the present writ petition has been filed before this Court.

6.Heard Mr.M.Gnanasekar, learned counsel appearing on behalf of the petitioner and Mrs.E.Ranganayagi, learned Additional Government Pleader appearing on behalf of the respondents.

7.In the instant case, it is seen that the complainant who was the Headmistress was not appearing before the Enquiry Officer and therefore, the proceedings are being adjourned from time to time. The respondents did not take any steps to approach this Court and seek for modification/extension of the time limit fixed by this Court for completion of the disciplinary proceedings. Straight away, the 1st respondent has issued the proceedings dated 09.05.2024 by informing the petitioner that an Enquiry Officer is going to be appointed and the disciplinary proceedings are going to be continued.

8.This Court has consistently held that where the time limit has been fixed by this Court and proceedings are not able to be completed, the authority



is expected to seek for extension of time and only thereafter proceed with the disciplinary proceedings. In the case in hand, the proceedings have not even commenced since the complainant is not appearing. Therefore, the 1st respondent without seeking for any extension of time has issued the impugned proceedings dated 09.05.2024 informing the petitioner that an Enquiry Officer is going to be appointed and the disciplinary proceedings are proposed to be continued against the petitioner. The above procedure that was adopted by the 1st respondent cannot be sustained without this Court extending the period fixed for the completion of the disciplinary proceedings. That apart, the complaint is of the year 2019 and till date, there has been absolutely no progress.

9. In the light of the above discussion, this Court is inclined to fix eight weeks time for the completion of the disciplinary proceedings against the petitioner. If the proceedings are not able to be completed within the time frame fixed by this Court, the proceedings shall be dropped. It is also made clear that the delay in completion of the proceedings should not be on account of the petitioner.



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N. ANAND VENKATESH, J.

ssr

10.This writ petition is disposed of in the above terms. No Costs.

Consequently, connected miscellaneous petitions are closed.

07.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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