



WEB COPY

W.P.No.26057 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.26057 of 2019

and

W.M.P.No.25446 of 2019

A.Varanambigai

... Petitioner

Vs.

The Chief Educational Officer,
Chief Educational Office, Erode.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order dated 25.04.2019 in Na.Ka.No.9614/A2/2018 and quash the same and consequently direct to the respondent to pass orders for payment of subsistence allowance and pass appropriate orders on merits and accordance with law and pass such further or other orders as this Hon'ble Court may deem fit.

For Petitioner : Mr.K.Sanjay
For Respondent : Mr.K.H.Ravikumar,
Government Advocate

ORDER

The petitioner herein while working as B.T.Assistant Social (History) at Government High School, which is now presently called as Higher Secondary School in Erode District was subjected to disciplinary proceedings by issuing a charge-memo dated 29.11.2018 basing upon the conviction of the petitioner



in STC.No.317/2017 under Section 138 of the Negotiable Instruments Act on the file of the Judicial Magistrate Fast Tract Court-II, Erode and accordingly, the petitioner was removed from service through proceedings bearing Na.Ka.No.9614/A2/2018 dated 25.04.2019 issued by the respondents herein. It is aggrieved by the said proceedings, the petitioner approached this Court by filing the present Writ Petition.

2. At the time of filing of the Writ Petition, it was contended by the petitioner that the petitioner has already filed a criminal appeal against the above-said conviction vide Criminal Appeal No.323 of 2018 and the same is pending for consideration and the sentence that was imposed on the petitioner was also stated to have been suspended.

3. When the matter is taken up for consideration today, it is brought to the notice of this Court by counsel on either side that the said Criminal Appeal No.323 of 2018 also came to be dismissed confirming the conviction of the petitioner and subsequently, the petitioner has carried the matter by way of appeal to the Hon'ble Apex Court vide Diary No.41407 of 2023 and the same was allowed by the Hon'ble Apex Court by an order dated 15.12.2023 thereby setting aside the conviction of the petitioner.



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4. In the light of the above, the learned counsel for the petitioner seeks the indulgence of this Court to set aside the impugned order dated 25.04.2019.

5. A perusal of the impugned order shows that it is only because of the conviction that is suffered by the petitioner, he was removed from service by passing the impugned order. As of now, it is an admitted fact that the said conviction has come to an end pursuant to the final order passed by the Hon'ble Apex Court dated 15.12.2023.

6. In the light of the above, this Court is of the considered view that on setting aside of the conviction by allowing the appeal filed of the petitioner by the Hon'ble Apex Court as noted above by order dated 15.12.2023, the impugned order herein has lost its basis and consequently, the same is liable to be set aside and the same is accordingly set aside. The respondent is directed to reinstate the petitioner into service as expeditiously as possible at any rate within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the petitioner shall not be entitled for any emoluments for the period during which the petitioner is out of service. However, the same shall be counted for all other purposes.



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MUMMINENI SUDHEER KUMAR, J.

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7. The Writ Petition is disposed of accordingly. No costs. Connected
Miscellaneous Petitions, if any shall stand closed.

10.06.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

Note: Issue order copy by 14.06.2024

To

The Chief Educational Officer,
Chief Educational Office, Erode.

W.P.No.26057 of 2019