



W.P.(MD)No.11728 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11728 of 2024

and

W.M.P(MD)No.10466 of 2024

P.Latha

... Petitioner

vs.

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The District Educational Officer(Elementary),
Karur Education District,
Karur District.

3.The Block Educational Officer,
Aravakurichi Union,
Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, to direct the second respondent to pass orders to reinstate the petitioner into service with consequential benefits including the salary benefits, by revoking the proceedings of the second respondent in ROC.No.4129/A4/2023 dated 11.03.2024 in consideration of order of acquittal passed in C.A.No.297 of 2023, on the file of the I Additional District and Sessions Judge, Erode dated 12.04.2024 based on the representation submitted by the petitioner dated 30.04.2024 forthwith.



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For Petitioner :Mr.F.Deepak
For Respondents :Mr.T.Amjad Khan,
Government Advocate

ORDER

Mr.T.Amjad Khan, learned Government Advocate takes notice for the respondents.

2. This writ petition has been filed by the petitioner seeking for a direction to the second respondent to pass orders to reinstate the petitioner into service with consequential benefits including the salary benefits, by revoking the proceedings of the second respondent in ROC.No.4129/A4/2023, dated 11.03.2024 in consideration of order of acquittal passed in C.A.No.297 of 2023, on the file of the I Additional District and Sessions Judge, Erode, dated 12.04.2024, based on the representation submitted by the petitioner, dated 30.04.2024 forthwith.

3. Earlier, the petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act, 1881 in S.T.C.No.94 of 2022 on the file of the Judicial Magistrate Court(Fast Track Court No.I), Erode. Subsequently, the said judgment got reversed in C.A.No.297 of 2023 on the file of the



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I Additional District and Sessions Judge, Erode. Thereafter, the petitioner has made a request to the second respondent to set aside the punishment of removal from service in view of the subsequent acquittal.

4. On the perusal of the records, it is seen that the petitioner was under compulsion to face the disciplinary action in view of her conviction in a case involving the offence under Section 138 of the Negotiable Instruments Act, 1881. Despite the petitioner was removed from service in view of the conviction order, she has not chosen to challenge the said order.

5. In *L.Manjula vs. State of Tamil Nadu, Rep. by the Secretary to Government, Home(Courts)Department, Chennai and others* reported in *2016-2-L.W.147*, a Division Bench of this Court has held that the conviction for an offence under Section 138 of the Negotiable Instruments Act, 1881, cannot be termed as a punishment for an offence involving moral turpitude. However, the petitioner did not take steps to avail the benefit of the said order. But, got acquittal in the appeal filed by her.

6. Hence, the petitioner has got good grounds to pursue her application in view of the finding that the conviction for an offence under



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Section 138 of the Negotiable Instruments Act, 1881, cannot be termed as a punishment for an offence involving moral turpitude. In fact, the petitioner has got an order of acquittal in the appeal.

7. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 30.04.2024 positively and pass orders, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

05.06.2024

NCC: Yes/No

Index : Yes/No

PM

To

1.The Director of Elementary Education,
DPI Campus, College Road, Chennai – 600 006.

2.The District Educational Officer(Elementary),
Karur Education District, Karur District.

3.The Block Educational Officer,
Aravakurichi Union,
Karur District.



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R.N.MANJULA, J.

PM

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