



W.P.(MD)No.13434 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.13434 of 2024 &
W.M.P.(MD)Nos.11848 and 11850 of 2024

M.R.Sundaresan

... Petitioner

vs.

1.The Director of School Education,
D.P.I.Complex, Nungampakkam, Chennai 600 006.

2.The Joint Director of School
Education (Higher Secondary),
D.P.I Complex, Nungampakkam, Chennai 600 006.

3.The Joint Director of School Education (High School),
D.P.I Complex, Nungampakkam, Chennai 600 006.

4.The Chief Educational Officer
O/o. Chief Educational Office,
Ramanathapuram, Ramanathapuram District.

5.The Head Master,
Government Higher Secondary School,
Kottaimedu, Kamuthi, Ramanathapuram District.

6.S. Amuthavalli,
Bt Assistant (Science),
Government Higher Secondary School,
Kottaimedu, Kamuthi,
Ramanathapuram District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Order passed by the 1st respondent in Na.Ka.No.72473/C4/E1/2023 dated 01.04.2024 by confirming the order of the 2nd Respondent herein in Na.Ka.No.36012/w1/E2/2019 dated 07.10.2023 to quash the same as illegal and unconstitutional and consequently direct the 3rd Respondent to appoint the petitioner as a Personal Assistant to District Educational Officer (Elementary Education) in any one of the vacancies arising in future.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.T.Amjadkhan
Government Advocate
For R1 to R4

ORDER

Heard Mr.D.Balamurugapandi, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 1 to 4.

2. The petitioner has filed this petition seeking to issue a Writ of Certiorarified Mandamus to call for the records of the impugned Order passed by the 1st respondent in Na.Ka.No.72473/C4/E1/2023 dated



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01.04.2024 by confirming the order of the 2nd Respondent in Na.Ka.No. 36012/w1/E2/2019 dated 07.10.2023 to quash the same and consequently direct the 3rd Respondent to appoint him as a Personal Assistant to District Educational Officer (Elementary Education) in any one of the vacancies arising in future.

3. Mr.D.Balamurugapandi, learned counsel appearing for the petitioner submitted that the order of punishment of the second respondent and order of the first respondent confirming the punishment have been passed without application of mind. It is his submission that the petitioner is not involved in the allegation made against him. Because on the relevant date, the petitioner was not in Office as he has availed leave on account of his father's illness.

4. The Charge Memo has been issued to the petitioner on 02.12.2019 and the enquiry officer has submitted his report on 09.12.2020. It is pertinent to note that on 19.11.2020, the petitioner has given an additional explanation stating that he was not in Office during



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the relevant point of time. Despite the fact that there is discussion in the impugned orders about the said statement made by the petitioner, neither the second respondent nor the first respondent has dealt with the above aspect, in their respective orders and the petitioner has been imposed with a punishment of stoppage of increment for a period of six months without cumulative effect.

5. During the year 2023, the petitioner's name has not been included in the promotion panel since enquiry proceedings were pending against him. However, now the situation has changed and the enquiry proceedings are over on 01.04.2024 itself. In such case, there is no necessity to postpone the currency of the punishment after the petitioner gets the next increment. Since the enquiry proceedings have been completed against the petitioner, his name can be included in the promotion panel which will be prepared next year after the currency of punishment and he can be accommodated in any of the promotional vacancies which would arise thereafter.



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6. As the competent authority and the appellate authority have not dealt with the petitioner's explanation for one of the charges that he was on leave during the relevant point of time, this Court, without setting aside the order of punishment, is inclined to direct the first respondent to consider and pass orders, if he deems fit and pass orders for cancelling the punishment as well. In that case, the petitioner's name can be included in the panel which has already been prepared and he can be promoted on par with other candidates.

7. With the above observations, the writ petition is **disposed of** and the first respondent shall consider the additional explanation submitted by the petitioner on 19.11.2020 and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
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R.N.MANJULA, J.

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