



W.P.(MD).No.22070 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22070 of 2024

and

W.M.P(MD) No.18691 of 2024

M.Jeyadavadossar
Secondary Grade Teacher,
Government Model Higher Secondary School,
Aranthangi,
Pudukkottai District.

... Petitioner

Vs.

1. The Joint Director of School Education
(Personnel)
Directorate of School Education,
DPI Complex College Road,
Nungambakkam,
Chennai – 600 006.
2. The Chief Educational Officer,
Pudukkottai, Pudukkottai District.
3. The Headmaster,
Government Higher Secondary School,
Nagudi, Pudukkottai District.
4. The Headmaster,
Government Model Higher Secondary School,
Aranthangi,
Pudukkottai District.

... Respondents



W.P.(MD).No.22070 of 2024

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Order Na.Ka.No.3092/Aa.4/2016, dated 16.07.2024 passed by the second respondent (*referring the proceeding Na.Ka.No. 41221/C.5/E.2/2024, dated 10.07.2024 of the first respondent*) and consequential Order Na.Ka.No.72/2024, dated 26.07.2024 passed by the third respondent pending disposal of the main writ petition and quash the same and consequently, direct the respondents to pass orders treating the suspension period of the petitioner from 02.06.2016 to 14.09.2017 as duty period and grant all the service, promotion and monetary benefits within the time limit to be fixed by this Court.

For Petitioner : Mr.B.Karunanithi

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a Secondary Grade Teacher challenging the order dated 16.07.2024 passed by the second respondent herein, wherein the period of suspension has been regularized as eligible leave.



W.P.(MD).No.22070 of 2024

WEB COPY

2. The petitioner herein was issued with a charge memo on 14.06.2016. The said charge memo was challenged by the petitioner in W.P(MD) No. 15078 of 2022. This Court, by an order dated 10.10.2022, recording the undertaking of the petitioner, had quashed the charge memo. The order of suspension was revoked by the Chief Educational Officer, Pudukkottai, on 14.09.2017.

3. Now, the present impugned order has been passed on 16.07.2024 treating the period of suspension namely, from 02.06.2016 to 14.09.2017 as eligible leave and to regularize the period to the said effect. This order is under challenge in the present writ petition.

4. According to the learned counsel appearing for the writ petitioner, when this Court has quashed the charge memo and directed the authorities to regularize the suspension period as a duty period in W.P(MD) No.29861 of 2023, by an order dated 18.12.2023, the authorities cannot regularize the suspension period as a leave period.



W.P.(MD).No.22070 of 2024

WEB COPY

5. Per contra, the learned Additional Government Pleader appearing for the respondents had contended that the charge memo was quashed by this Court only on the undertaking given by the writ petitioner that he would take classes promptly and punctually without giving any room for complaints. However, on breach of his undertaking, the petitioner continued to absent himself from duty and therefore, the authorities were constrained to pass the present impugned order.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. A perusal of the typed set of papers indicates that the charge memo as against the petitioner on 14.06.2016 has been quashed by this Court, dated 10.10.2022. When the petitioner has approached this Court in W.P(MD) No. 29861 of 2023 for regularizing the period of suspension, this Court by an order dated 18.12.2023 had directed the authorities to treat the said period as a duty period. However, in violation of the said orders, the instant impugned order has been passed by the authorities treating the suspension period as eligible leave period.



W.P.(MD).No.22070 of 2024

WEB COPY

8. In view of the above said facts, the order impugned in the writ petition is not sustainable and therefore, the same is set aside and the authorities are directed to regularize the period of suspension of the petitioner as duty period and pass orders accordingly.

9. With the above said observations, this Writ Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

18.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi



W.P.(MD).No.22070 of 2024

To

WEB COPY

1. The Joint Director of School Education
(Personnel)
Directorate of School Education,
DPI Complex College Road,
Nungambakkam,
Chennai – 600 006.
2. The Chief Educational Officer,
Pudukottai,
Pudukkottai District.
3. The Headmaster,
Government Higher Secondary School,
Nagudi,
Pudukottai District.
4. The Headmaster,
Government Model Higher Secondary School,
Aranthangi,
Pudukottai District.



WEB COPY



W.P.(MD).No.22070 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.22070 of 2024

18.10.2024