

W.P.No.4623 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.4623 of 2025
WMP.No.5124 of 2025

A. Murugan

... Petitioner

Vs

1. The State of Tamil Nadu
Rep.by the Secretary to the Government
Elementary Education,
Fort St.George, Chennai 600 009.
2. The Director of Elementary Education
DPI Campus, College Road,
Chennai – 600 006.
3. The District Education Officer (Elementary)
Kallakurichi District,
Kallakurichi.
4. The Block Educational Officer,
Thirunavallur,
Kallakurichi District.
5. The Panchayat Union Middle School
Rep.by its Headmaster,
Porasakurichi Village,
Thiyagadurgam Panchayat Union,
Kalakurichi Taluk and District.

... Respondents



W.P.No.4623 of 2025

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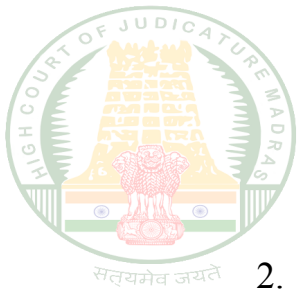
PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records relating to 4th respondent in Na.Ka.No.2191/Aa1/2006 dated 28.04.2014 and the third respondent vide its order dated Na.No.1116/Aa3/2015, dated 04.09.2019 and quash the same as non-application of mind, illegal and contrary to law and consequently direct the respondents to treat the petitioner suspension period from 12.01.2007 to 09.02.2010 as regular service time with full salary and benefits within a time frame fixed by this Court.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mrs.Mythreye Chandru
Special Government Pleader for R1 to R4

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to 4th respondent in Na.Ka.No.2191/Aa1/2006 dated 28.04.2014 and the third respondent vide order dated Na.No.1116/Aa3/2015, dated 04.09.2019 and quash the same as passed with non-application of mind and as being illegal and contrary to law and consequently direct the respondents to treat the petitioner's suspension period from 12.01.2007 to 09.02.2010 as regular service time with full salary and benefits.



W.P.No.4623 of 2025

WEB COPY

2. In the affidavit filed in support of the writ petition, it had been contended that the petitioner had been appointed as Secondary Grade Teacher on 28.10.2004 at Porasakurichi Panchayat Union Middle School within Thyagadurgam Panchayat Union, Kallakurichi Taluk, Villupuram District. It had been stated that on 05.02.2007, the petitioner had been issued with a charge memo alleging misconduct and theft of computer from the said school. The misconduct was that he had abused children studying in the school. It had been contended that subsequently the parents had given a letter that no such complaint had been given by them and therefore that particular charge had been dropped but however the charge of theft of computer was maintained and a criminal case was also initiated and registered with respect to the same.

3. It is contended that the petitioner was however acquitted of all charges in C.C.No.37 of 2008 in which trial was conducted by the learned Judicial Magistrate, Kallakurichi. Judgment of acquittal was passed on 22.04.2009.

4. But however, the departmental proceedings proceeded and the charge was found proved and punishment of censure had been passed against the petitioner herein. The petitioner now claims that the period of suspension should be treated as duty period and that he should be paid all the benefits. This claim



W.P.No.4623 of 2025

WEB COPY

was made on the basis of the petitioner being acquitted in the criminal case. But however, it is also to be noted that in the departmental proceedings, the charge had been held to be proved and punishment of censure had been passed. Once the punishment had been passed unless the appellate authority sets aside that particular punishment, then it has to be taken that the charge stood proved in entirety. There can be consideration only with respect to the nature of punishment to be imposed. The period during which the petitioner was suspended therefore cannot be treated as period of duty. It has to be treated period of leave without any pay.

5. I am afraid that the relief sought by the petitioner cannot be granted by this Court. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

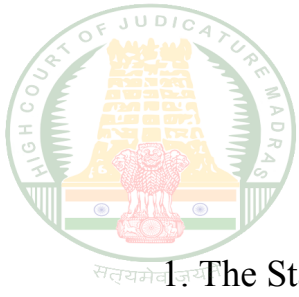
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Index : Yes /No

Speaking Order : Yes/No

To



W.P.No.4623 of 2025

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C.V.KARTHIKEYAN, J.



WEB COPY



W.P.No.4623 of 2025

dpq

W.P.No.4623 of 2025
WMP.No.5124 of 2025

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