



W.P.No.36180 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.36180 of 2024

G. Saravanan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George, Chennai-600 009.
2. The Director of School Education,
Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Chennai- 600 006.
3. The Joint Director of School Education (Personnel)
Directorate of School Education,
Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Chennai- 600 006.
4. The Chief Educational Officer
Thiruvannamalai District,
Thiruvannamalai.
5. The District Educational Officer (Secondary)
Cheyyar Educational District,
Thiruvannamalai District.

... Respondents



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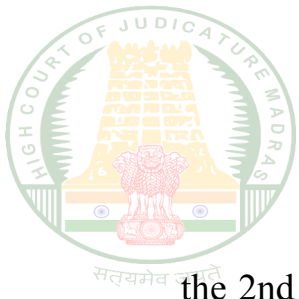
Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondents to consider the representation submitted by the petitioner dated 29.03.2021 for granting promotion to the petitioner to the Post of Superintendent and other higher posts based on seniority on temporary basis without reference to the charge memo issued by the 2nd respondent in Na.Ka. No.10578/A4 Pirivu/E2/ 08 dated 03.03.2008, subject to outcome of the enquiry Proceedings, with all consequential benefits, within a time frame to be fixed by this Hon'ble court and pass orders accordingly.

For Petitioner : Mr.G.Sankaran (Senior Counsel)
(For S.Nedunchezhiyan)

For Respondents : Mrs.S. Mythreye Chandru
(Special Government Pleader)

ORDER

This Writ Petition has been filed praying to issue a Writ of Mandamus, to direct the Respondents to consider the representation submitted by the petitioner dated 29.03.2021 for granting promotion to the petitioner to the Post of Superintendent and other higher posts based on seniority on temporary basis without reference to the charge memo issued by



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the 2nd respondent in Na.Ka. No.10578/A4 Pirivu/E2/ 08 dated 03.03.2008, subject to outcome of the enquiry Proceedings, with all consequential benefits, within a time frame to be fixed by this Hon'ble court and pass orders accordingly.

2.The learned senior counsel for the petitioner would submit that in view of the financial dispute for his father with some third party, Criminal case is registered in Crime No.5 of 2017, wherein the petitioner is also arrayed as an accused and charged under Section 420, 409, 120B of IPC and Section 5 of TNPID Act 1997. Subsequently, he was arrested and remanded under the Judicial Custody. He was also served with the charge memorandum dated 03.03.2008.

3.The learned Senior counsel would further submit that Charge memorandum is pending since 2008. All his Juniors have been promoted to the post of Superintendent, whereas the petitioner has not been considered for promotion in view of the long pendency of charge memo and Criminal case. As the possibility of conclusion of Criminal proceedings is not in the near future, as a special case, the petitioner has to be considered for



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promotion and in this connection, he has sent representation dated 29.03.2021 and the said representation is pending before the respondents.

4. It has been further submitted that the petitioner is entitled to be considered for temporary promotion as per Judgment of Supreme Court reported in (1995) 2 Supreme Court Cases 570 in the case "*State of Punjab and others Vs. Chaman Lal Goyal*".

5. At this juncture, the Special Government Pleader would submit that in view of the pendency of charge memorandum, the petitioner is not entitled to be considered for promotion to the said post and he had violated Rule 20(1) of the Tamil Nadu Government Servants' Conduct Rules. However, any representation is pending with them, they would consider the same within a reasonable time. Further, he would submit that the precedent relied in "*State of Punjab and others Vs. Chaman Lal Goyal*", reported in (1995) 2 Supreme Court Cases 570 is distinguishable from the present case. Unlike the petitioner in that matter, the petitioner herein is directly implicated in a criminal prosecution. In contrast, the principle articulated by the Apex Court in *Kusheshwar Dubey Vs. Bharat Coking Coal Ltd. &*



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Others, decided on 06.09.1988, is directly pertinent. The Apex Court, in that instance, specifically stated, "In the instant case, the Criminal action and the disciplinary proceedings are grounded upon the same set of facts. We are of the view that the disciplinary proceedings should have been stayed...". The legal principle was subsequently affirmed in *Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. & Another*, decided on 30.03.1999. It is also noted that the petitioner has not initiated any proceedings before the Special Court seeking an expedited Trial, and in view of the pendency of the said Criminal case, the prayer of the petitioner is not acceptable and liable to be rejected.

6 At this Juncture, the learned senior counsel would submit that as the representation sent by the petitioner is of the year 2021, he seeks liberty to give a fresh representation.

7. Heard the learned counsel for both sides and perused the materials available on record.

8. Having considered the submissions of the learned senior counsel for the petitioner, the petitioner is given liberty to give a fresh representation



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within a period of two weeks from the date of receipt of copy of this order. If any such representation is received, the respondents are directed to consider the same according to its own merits and in accordance with law within a further period of eight weeks from the date of receipt of copy of this order.

9. With the aforesaid directions, the Writ petition is disposed of. No costs.

16.07.2025

Lbm

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



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Rep. by its Principal Secretary to Government,
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C.KUMARAPPAN, J.

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