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W.A.(MD)NO.883 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.A.(MD)No.883 of 2022 AND
C.M.P.(MD)No.7328 of 2022

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
2. The District Educational Officer,
District Educational Office,
Orathanadu,
Thanjavur District. ... Appellants / Respondents

Vs.

V.M.A.Christina Baby,
W/o.M.Savarirajan,
Headmaster,
Panchayat Union Primary School,
Nariyanur, Ammapet Union,
Thanjavur. ... Respondent / Writ petitioner

Prayer: Writ appeal filed under Clause 15 of Letters Patent, to set aside the order dated 10.01.2022 passed in W.P.(MD)No.4923 of 2020 on the file of this Court and allow the present writ appeal.



For Appellants : Mr.V.OM.Prakash,
Government Advocate.

For Respondent : Mr.V.T.Balaji
* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The respondent V.M.A.Christina Baby was appointed as Secondary Grade teacher in the year 1995 and posted in Chennai Corporation school on 03.07.1999. The allegation was made that she got recruitment under the reserved category. It was alleged that she had produced bogus community certificate. Disciplinary action was also initiated against her. She was suspended for the second time by the District Educational Officer, Thanjavur on 02.11.2017. Questioning the same, the respondent herein filed writ petition on 02.03.2018. The writ petition was allowed on 25.01.2018 in the following terms:-

“3.The petitioner is employed as a Headmaster in the Panchayat Union Primary School, Nariyanur, Ammapet Union, Thanjavur. She got employment under the reserved category. The allegation is that the petitioner produced a bogus Community Certificate and got employment. In this regard, the proceedings



have been pending for more than twenty years. The petitioner was suspended as early as on 18.08.1999. The petitioner engaged the department in more than one round of litigations. She has been successful so far. The department intends to proceed with the disciplinary proceedings against the petitioner. It is open to the department to do so. But the question is whether the impugned order of suspension is justified.

4.Mrs.S.Srimathy, learned Special Government Pleader, submitted that the Government has taken a Suo motu review of the issue and had directed that the disciplinary proceedings must be resumed.

5.Therefore, this Court is of the view that there cannot be a second suspension on the same cause of action. In this view, the impugned order of Suspension stands quashed.

6.The respondents are directed to reinstate the petitioner forthwith into service. At the same time, the disciplinary proceedings initiated against the petitioner shall go on.”

3. After getting reinstatement, the respondent herein filed W.P. (MD)No.4923 of 2020 challenging the charge memo dated 27.07.2018. When the matter was taken up for hearing before the learned single Judge, the learned Additional Government Pleader submitted that the earlier charge memo dated 05.05.2011 and the impugned charge memo dated 27.07.2018 are identical. In that view of the matter, second charge memo was quashed and the writ petition was allowed on 10.01.2022.



WEB COPY 4. Questioning the same, the department has filed this writ appeal.

5. It is true that the second charge memo dated 27.07.2018 is identical to the earlier charge memo dated 05.05.2011. But then, the question that calls for consideration is whether on this ground, the second charge memo came to have been quashed. When the writ petitioner was suspended for the second time, it was submitted that the Government has taken *suo motu* review of the issue and directed that the disciplinary proceedings must be resumed. That is why, even while directing reinstatement of the writ petitioner, it was directed that the disciplinary proceedings only against the petitioner shall go on. If the writ petitioner feels aggrieved by this, she ought to have challenged the order dated 25.01.2018 made in W.P.(MD)No.413 of 2018. She did not do so. After enjoying the benefit of the order dated 25.01.2018, she cannot challenge the punishment and quash the second charge memo that they were subsequently issued by the respondents. The order impugned in this writ appeal is set aside. This writ appeal is allowed.

6. The learned counsel for the respondent states that the issue is hanging fire since 1999. We direct the appellants to conclude the



disciplinary proceedings on merits and in accordance with law within a period of six months today. We make it clear that we have not gone into the merits of the matter. All the defences and the contentions are left open. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
27th January 2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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