



W.P.(MD).No.26757 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.26757 of 2024
and
W.M.P.(MD).No.22685 of 2024

Charles

... Petitioner

Vs

1. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

2. The Corporate Manager,
The Bishop of Tuticorin Diocese,
RC Schools,
Tuticorin Docesan Association,
82, Great Cotton Road,
Tuticorin-628 001.

3. The Correspondent,
RC Primary School,
Pragasapuram,
Tirunelveli District.

4. The Inspector of Police,
All Women Police Station,
Vallioor,
Tirunelveli District.

...Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to declare the action of the second respondent in proceeding with the departmental enquiry in pursuance of the Charge memo in his proceedings in Ref.No.SZ-2024/12 dated 25.09.2024 before conclusion of the criminal case pending against the petitioner in Cr.No.17/2024 on the file of the fourth respondent police as illegal and arbitrary and consequently direct the second respondent to defer the departmental enquiry against the petitioner till the conclusion of the proceedings in Cr.No.17 of 2024 on the file of the fourth respondent police.

For Petitioner	: Mr.T.A.Ebenezer
For Respondent Nos.1 & 4	: Mr.N.Satheesh Kumar Additional Government Pleader
For Respondent Nos.2 & 3	: Mr.Savarimuthu for M/s.Father Xavier Associates

ORDER

The instant writ petition has been filed by a Headmaster working in the aided school, seeking a mandamus to defer the departmental enquiry till the conclusion of the criminal proceedings.

2. A perusal of the records reveal that the petitioner who is working as a Headmaster in the third respondent school has been implicated in a criminal case in Crime No.17 of 2024 on the file of the All Women Police Station,



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Vallioor. Pursuant to the said implication in a criminal case, the petitioner has been placed under suspension by way of an order dated 19.03.2024. The management has issued with a charge memo on 25.09.2024, and steps are being taken to conduct the disciplinary proceedings. At this stage, the petitioner has filed the present writ petition to defer the disciplinary proceedings.

3. It is brought to the notice of this Court that the police authorities have already filed a charge sheet as against the writ petitioner on 06.05.2024.

4. According to the learned Counsel appearing for the writ petitioner, the allegations in the disciplinary proceedings as well as the charges in the criminal case are based upon the same set of facts. He further contends that witnesses referred in the charge sheet and the witnesses shown in the annexure in the charge memo are one and the same. In such circumstances, if the disciplinary proceedings are continued, it is difficult to defend the criminal proceedings.

5. The petitioner has filed an additional affidavit on 23.01.2024 to the effect that in case if the disciplinary proceedings are deferred till the conclusion of the criminal proceedings, he would not seek any service or monetary benefits. Paragraph No.4 of the said affidavit is extracted as follows :



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"4. In order to defer the departmental proceeding pending criminal case, I undertake that I will not claim service and monetary benefits for the period till the criminal case is disposed."

6. This Court has perused the charge sheet as well as the charge memo issued to the writ petitioner. The entire charge memo is based upon the allegations made in the FIR. Further, the witnesses referred in the charge sheet as well as in the charge memo are one and the same. In such circumstances, if the disciplinary proceedings are continued, the petitioner would be constrained to open up his defence.

7. In view of the above said facts, this Court is inclined to pass the following order :

a) the second and third respondents herein are directed to defer the disciplinary proceedings till the conclusion of the criminal proceedings.

b) The petitioner shall not seek any reinstatement or any other monetary benefits till the disposal of the criminal proceedings.

c) the petitioner shall be entitled to get eligible monetary benefits depending upon the out come of the criminal proceedings.



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8. With the above said observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.01.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

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To

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Tirunelveli District,
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