

**HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA****WRIT PETITION No. 4241 of 2023****ORDER:**

This writ petition is filed by the petitioner under Article 226 of the Constitution of India for the following reliefs:

*“...to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 3<sup>rd</sup> respondent in issuing proceedings vide Rc.No.1822/A3/2022 Dt.06.09.2022, wherein suspending the petitioner from service with immediate effect pending enquiry is illegal, arbitrary and unjust and consequently set aside the same by directing the respondents to re-instate the petitioner into service with all consequential benefits and pass such other order or orders....”(in verbatim)*

2. Heard learned counsel for the petitioner and learned Government Pleader for Services-III appearing for the respondents.

3. Learned counsel for the petitioner would submit that the petitioner was appointed as a teacher in the year 1996 and have been discharging his duties for the last 26 years. While so, on 05.09.2022, the Sarpanch along with other village representatives, made a false compliant against the petitioner to the Head Master, Z. P.H.S. Medapadu, stating that the petitioner is talking with the girl students indecently without teaching lessons. After receipt of the said complaint, the Head Master addressed a letter to the 3<sup>rd</sup> respondent on the same day by

enclosing a copy of the complaint without verifying the facts and without conducting any preliminary enquiry. Consequently, the 3<sup>rd</sup> respondent vide proceedings dated 06.09.2022 has placed the petitioner under suspension without conducting any enquiry.

(a). Learned counsel would further submit that the 3<sup>rd</sup> respondent has also issued proceedings dated 10.10.2022, framing the Article of Charge against the petitioner which reads as follows:

*Article of Charge-1: that the said Sri. V. Daiva Asirvada Das Kumar, School Assistant (English), Z.P High School, Medapadu, Elamanchili Mandal, West Godavari, has speaking obscenely with the 8<sup>th</sup> class girls students in class room not to teach lessons.*

*Charge: Any teacher should not misbehave with students and co-working women employees. The employees who misbehave with students and co-working women employees are liable to act as PACSO act 2012.*

(b). Learned counsel would submit that the present impugned proceedings are liable to be suspended on the ground that there is no preliminary enquiry conducted by the Enquiry Officer as required under C.C.A Rules and there is no complaint made by any girl student of the school except complaint by the villagers.

4. On the other hand, learned Government Pleader would submit that the petitioner is already under suspension since 05.09.2022 and 5 months have already been lapsed and more over the 3<sup>rd</sup> respondent issued proceedings dated 10.10.2022 by framing Article of Charge. He would further submit that in view of G.O.Ms.No.679 dated 01.11.2008, the disciplinary proceedings should be completed on or before 3 months from the date of framing of Articles of Charges. But, in complicated cases, the disciplinary proceedings should be completed within a period of six (06) months. Even if the present case is treated as a complicated case, the proceedings should be completed on or before 10.04.2023. Therefore, the disciplinary proceedings can be completed within a period of two (02) months from today.

5. Having regard to the submissions made by both the learned counsels, and in view of the facts and circumstances of the case, the 3<sup>rd</sup> respondent is directed to complete the disciplinary proceedings as per G.O.Ms.No.679 dated 01.11.2008, within a period of two (02) months from the date of receipt of a copy of this order. Failing which, the 3<sup>rd</sup> respondent is directed to reinstate the petitioner into service.

6. With the above said direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, interlocutory applications, if any pending, shall stand closed.

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**NIMMAGADDA VENKATESWARULU, J**

22<sup>nd</sup> February, 2023.  
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