

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.15475 of 2015
and
M.P.Nos.1 and 2 of 2015

K.Raju,
Assistant Professor of Economics,
Poompuhar College (Autonomous),
No.15, Rajaanuman Salai,
Rajagopalapuram, Kuthalam - 609 801.

.. Petitioner

.. Vs ..

1. The Joint Director of Collegiate Education,
Thiruchirapally Region,
Thiruchirapally - 20.
2. The Director of Collegiate Education,
Chennai - 6.
3. The Secretary and Correspondent,
Poompuhar College,
Melaiyur - 609 107,
Nagapattinam District.
4. The Principal,
Poompuhar College,
Melaiyur - 609 107,
Nagapattinam District.
5. The Inspector of Police,
Kuthalam Police Station,
Nagapattinam District.

.. Respondents

[R-5 Suo motu Impleaded as per order of
this Court dated:02.06.2015 in
W.P.No.15475/2015].

Prayer: Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus, to
call for the records pertaining to the impugned order No.05/A/2014
dated 06.08.2014 issued by the 3rd respondent and quash the same
and consequently direct the 3rd respondent to consider and dispose
of the representation of the petitioner dated 17.2.2015.

For Petitioner : Mr.M.Velmurugan
For Respondents: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

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ORDER

The petitioner is working as an Assistant Professor in the third respondent College. He was placed under suspension by an order dated 06.08.2014, due to a criminal case registered in F.I.R.No.322 of 2014, on 04.08.2014 on the file of the Kuthalam Police Station, Nagapattinam District under Sections 354(A)(i) of IPC r/w. 7, 8, 11 & 12 of Protection of Childrens from Sexual Offices Act, 2012. Now, the petitioner has filed this writ petition seeking to quash the suspension order.

2. When the matter came up for admission on 02.06.2015, this Court passed the following order:-

"Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondents.

2. The petitioner is working as an Assistant Professor in the third respondent college. A criminal case in Crime No.322 of 2014 on the file of Kuthalam Police Station in Nagapattinam District under Sections 354(A)(i) of I.P.C. r/w Sections 7, 8, 11 and 12 of Protection of Children from Sexual Offences Act was registered against the petitioner. Based on the pendency of the criminal case, the petitioner was placed under suspension by order dated 06.08.2014.

3. In view of the above, the Inspector of Police, Kuthalam Police Station, Nagapattinam District is suo motu impleaded by this Court and he is directed to give a report as to the stage of the investigation. The Inspector should also explain as to why investigation is kept pending for more than 10 months.

Post on 16.06.2015 at the end of the motion list."

3. Today, the Inspector of Police, Kuthalam Police Station, has filed a status report. Para 6 of the status report is extracted hereunder:-

"6. It is respectfully submitted that the Draft Charge Sheet was obtained from the Assistant Director of Prosecution, Nagapattinam on 09.03.2015. Based on the Draft Charge Sheet, the Inspector of Police, Kuthalam filed charge sheet before the District and Sessions Court, Nagapattinam in respect of the Crime No.322/2014 u/s. 354(A)(i) of IPC r/w. 7, 8, 11 & 12 of Protection of Children from Sexual Offices Act, 2012 @ r/w. 9(f) and 354(1) IPC on 25.03.2015 and the same is yet to be numbered in District and Sessions Court, Nagapattinam."

4. In view of the aforesaid report, the learned District and Sessions Judge, Nagapattinam, is directed to take up the criminal case, based on the final report filed by the Inpsector of Police, Kuthalam Police Station, after numbering the same and complete the

trial, within a period of six months from the date of receipt of a copy of this order.

5. During the pendency of the criminal case, the respondents 1 to 4 are directed to pay subsistence allowance in accordance with law. It is made clear that if the petitioner is denied subsistence allowance, it would amount to deprivation of livelihood and the same is violative of Article 21 of the Constitution of India. Hence, a direction is issued to the respondents 1 to 4 to pay the subsistence allowance with arrears, within a period of six weeks from the date of receipt of a copy of this order and continue to pay the same till the completion of the criminal case.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The District and Sessions Judge,
Nagapattinam.
2. The Joint Director of Collegiate Education,
Thiruchirapally Region,
Thiruchirapally - 20.
3. The Director of Collegiate Education,
Chennai - 6.
4. The Secretary and Correspondent,
Poompuhar College,
Melaiyur - 609 107,
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5. The Principal,
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Melaiyur - 609 107,
Nagapattinam District.
6. The Inspector of Police,
Kuthalam Police Station,
Nagapattinam District.

+1 cc to Government Pleader, SR.32108.

Sk(co)
krd 8/7