

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.23878 of 2015 and
M.P.No.1 of 2015

R.Raghavan

...

Petitioner

-Vs-

The Joint Director of School Education (Personnel)
DPI, College Road,
Chennai - 6.

...

Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records on the file of the respondent in his proceedings R.C.No.008247/C3/S3/2015 dated 12.03.2015 and quash the same.

For Petitioner : Mr.M.Vijaya Kumar

For Respondent : Mr.V.Subbiah, Spl.Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. A perusal of the affidavit filed in support of the petition would disclose that the petitioner was appointed as B.T. Assistant by the respondent through Teachers Recruitment Board on 31.12.2008. It is further stated by the petitioner that his brother-in-law, namely, Paneer Selvam, who is a resident of Perimedu village and another person, who is also residing in the same village had personal animosity between them and there was a suspicious death during the year 2005 in which brother-in-law of the petitioner was also arrayed as accused in Cr.No.301 of 2005 registered by jurisdictional police. However, during the year 2014, the petitioner was arrested and according to him, he has been falsely implicated and consequent upon his arrest and custody, he was placed under suspension vide impugned order dated 12.03.2015 passed by the respondent. Challenging the legality of the same, the present writ petition has been filed.

3. Mr.Vijaya Kumar, the learned counsel for the petitioner would contend that admittedly, the case was registered in the year 2005 and nearly 9 years thereafter, petitioner was arrested on false implications and he has nothing to do with the alleged offence and he is also not implicated in connection with the discharge of his official duties.

4. It is further submitted that though the petitioner submitted a representation on 24.04.2015, since he has not been favoured with any kind of response, he is constrained to approach this Court by filing this Court.

5. Per contra, the learned Special Government Pleader contended that since the petitioner was arrested and confined for more than 48 hours, the deemed suspension came into operation, unless and until, it is reviewed by the competent authority, petitioner cannot question the suspension.

6. This Court after considering the rival submissions is of the view that it would be suffice to direct the respondent to consider the representation dated 24.04.2015 submitted by the petitioner after roving the order of suspension.

7. This Court, in the facts and circumstances of the case without going into the merits of the rival claims, directs the respondent to consider and dispose of the petitioner's representation dated 24.04.2015 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

kua

To

The Joint Director of School Education (Personnel)
DPI, College Road,
Chennai - 6.

+1 cc to Mr.M.Vijayakumar, Advocate, sr.40273.
+1 cc to Government Pleader, sr.40745.

W.P.No.23878 of 2015

tej(co), kra,12/08