

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25759 of 2015
and
M.P.Nos.1 and 2 of 2015

G.Malathi ... Petitioner

Vs.

- 1.The Director of Collegiate Education,
College Road, Nungambakkam,
Chennai-600 006.
 - 2.The Regional Director of Collegiate Education
Vellore, Vellore District.
 3. The Principal
Periyar Government Arts College
Cuddalore-607 001.
 4. The District Collector,
Cuddalore District
Cuddalore.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of the third respondent in Pro.Na.Ka.No.718/A/2015 dated 20.07.2015 to quash the same in so far as it relates to the petitioner and to issue consequential directions to the respondents to reinstate the petitioner in service with consequential benefits.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mr.R.Vijaykumar
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that she was appointed as Junior Assistant on compassionate grounds in Periyar Government Arts College, Cuddalore-1 and she joined the service on 19.02.2009.

Thereafter, she was deputed for basic training in Government Officials Training Centre of Bhavanisagar from 26.04.2013 to 24.06.2013. She has successfully completed the same and according to her ever since the date of her entry into service, she has been rendering sincere and unblemished service.

3. The petitioner would further state that she was issued with the impugned order of suspension on 20.07.2015 by the third respondent. It is stated in the impugned order that in the meeting convened by the fourth respondent, on 20.07.2015 with regard to the agitation of boycott of classes by the students on 17.07.2015, third respondent - Principal replied to the questions put to him with suitable materials and it had come to light with some delay of 3 years that the scholarship has not been disbursed to the students and the fourth respondent took into consideration of the said fact and passed an oral order to place the concerned persons under suspension. Accordingly, the petitioner along with two other persons were placed under suspension. Challenging the legality of the same, the petitioner has come forward with the present writ petition.

4. The learned counsel appearing for the petitioner would submit that the petitioner immediately submitted a representation dated 23.07.2015 stating that she was deputed for basic training in Government Officials Training Centre of Bhavanisagar from 26.04.2013 to 24.06.2013. Thereafter, she was relieved by handing over the charge to Mr. C. Udayakumar and he was incharge during the relevant point of time. After completion of training she is at present working in Bills Section in the place of Mr. Selvaraj, Assistant. Hence, she prays for revocation of the order of suspension.

5. It is submitted by the learned counsel for the petitioner that the impugned order of suspension is not in consonance under Rule 17 (e) (i) and 17 (e) (2) of the Tamilnadu Civil Services (D & A) Rules and it has not even disclosed anything with regard to contemplation of any enquiry and hence prays for revocation of order of suspension.

6. Per contra the learned Additional Government Pleader, who accepts notice for the respondent would submit that students had agitated for the reason that scholarship have not disbursed for three years and the petitioner was the incharge of that seat between 2012-2013. Considering the same, the petitioner was rightly placed under suspension.

7. This Court has carefully considered the rival submissions and perused the materials on record.

8. Though the petitioner prays for a larger relief, this Court in the light of the facts and circumstances and without going into merits of the case, permits the petitioner to submit a comprehensive representation pointing out the legal infirmities and the factual aspects to the third respondent for revocation of suspension order within a period of two weeks from the date of receipt of a copy of

this order and the third respondent on receipt of the same is directed to consider the same on merits and in accordance with law and pass orders within a period of four weeks thereafter, after giving an opportunity of personal hearing to the petitioner.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

arr

To

- 1.The Director of Collegiate Education,
College Road, Nungambakkam,
Chennai-600 006.
- 2.The Regional Director of Collegiate Education
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Periyar Government Arts College
Cuddalore-607 001.
4. The District Collector,
Cuddalore District
Cuddalore.

+1 cc to Mr.V.Thirupathi, Advocate, sr.43941
+1 cc to The Government Pleader, sr.44179

W.P.No.25759 of 2015

jp(co)
kra(26/08)

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