

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25953 of 2015

and

M.P.Nos.1 & 2 of 2015

K.Godawari

.. Petitioner

- Vs -

District Elementary Educational Officer,
Salem - 636 001.

.. Respondent

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records relating to the proceedings of the respondent in R.C.No.1654/A2/2015 dated 24.03.2015 and quash the same.

For Petitioner : Mr.G.Murugendran

For Respondent : Mr.G.Gunasekaran
Government Advocate

O R D E R

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

2. The petitioner while working as a Secondary Grade Teacher at Panchayat Union Elementary School, Azhagapuram, Salem was arrested in connection with a case in Crime No.78 of 2015 registered by Kannankuruchi Police Station, Salem for the alleged commission of offences punishable under Sections 114, 147, 323, 342, 148, 386, 420 and 506(ii) of I.P.C. The petitioner was arrested and was under confinement for more than 48 hours. She was placed under suspension vide order dated 24.03.2015. Challenging the same, the petitioner has filed this writ petition.

3. Mr.G.Murugendran, learned counsel appearing for the petitioner would submit that on the date of alleged occurrence on 16.02.2015, the petitioner was attending the school and even as per the allegation in the F.I.R. she is stated to have criminally intimidated the defacto compliant and falsely implicated her, as her husband is the prime accused. The learned counsel appearing for the petitioner also drawn the attention of this Court to the judgment of the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs. Union of India reported in

(2015) 3 CTC 119 and would submit that any order of Suspension should not extend beyond three months, if within this period, the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served, a reasoned order must be passed for the extension of the suspension. The learned counsel would further submit that the petitioner in this regard has submitted a representation dated 04.07.2015 to the respondent, through proper channel, praying revocation of the order of suspension.

4. Per contra, Mr.S.Gunasekaran, learned Government Advocate accepts notice on behalf of the respondent and would submit that admittedly the petitioner was under confinement for more than 48 hours and therefore she is under deemed suspension and unless and until it is reviewed by the concerned authority, she cannot claim as a matter of right for revocation of the order of suspension.

5. This Court considered the rival submissions and also perused the materials placed on record.

6. Though the petitioner prays for a larger relief, in the light of the facts and circumstances of the case, without going into the merits of the case as projected by the petitioner either in this writ petition or in her representation, this Court directs the respondent to consider and dispose of the representation of the petitioner dated 04.07.2015, on merits and in accordance with law and pass orders 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. The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

kk

To

The District Elementary Educational Officer,
Salem - 636 001.

+1 cc to Mr.G.Murugendran, Advocate, sr.48062

+1 cc to Govt. Pleader, sr.48314

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vgi co, kra 22/09