

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28941/2015 & MP.No.1/2015

A.Gopi

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Petitioner

Versus

1.The Chief Educational Officer

Sathuvachari, vellore 632 009.

2.The District Educational Officer

Thirupathur, Vellore District.

3.The Head Master & Correspondent

Concordia Higher Secondary School

Pudur, Vaniyambadi, Vellore District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the entire records relating to the order dated 31.01.2014 on the file of the 3rd respondent herein and quash the same and consequently, reinstate the petitioner with all attendant monetary benefits by treating the period of suspension as duty period.

For Petitioner : Mr.C.Munusamy

For RR 1 & 2 : Mr.R.Vijayakumar, AGP

O R D E R

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

2 The petitioner was working as a P.G. Assistant [Mathematics] in the 3rd respondent/School from 01.06.2006 and he was involved in the case in Cr.No.1/2014 registered by the Inspector of Police, All Women Police Station, Vaniyambadi for the commission of the alleged offences u/s.354[A][2] r/w 354[B] IPC in alternative section 12 of POSCO Act, 354[B], 376[2][f] r/w 375[e] IPC in alternative section 8 of POSCO Act. The petitioner, on account of the involvement in the said case, was placed under suspension on 31.01.2014 by the 3rd respondent. The criminal case registered against him has culminated in charge sheet which was taken on file in SC.No.20/2014 on the file of the Court of Magalir Neethi Mandram [Fast Track Mahila Court], Vellore and vide judgment dated 31.07.2015, the petitioner was honourably acquitted after full-fledged trial. Thereafter, the petitioner has submitted a representation dated 26.08.2015 to the 1st respondent through proper channel bringing to his knowledge about the order of acquittal recorded by the Mahila Court, Vellore and prayed for revocation of the order of suspension and since no orders have been passed, he

came forward to file this writ petition, challenging the suspension order.

3 Heard the submissions of the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2.

4 This Court, in the light of the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the respondents 1 to 3 by enclosing a copy of the order of this Court as well as the copy of the representation dated 26.08.2015 within a period of two weeks from the date of receipt of a copy of this order and the respondents, on receipt of the same, are directed to consider the same on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken to the petitioner.

5 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

AP

To

1.The Chief Educational Officer
Sathuvachari, vellore 632 009.

2.The District Educational Officer
Thirupathur, Vellore District.

1 cc to Mr.C.Munusamy , Advocate Sr.No.50156

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pmk.30.9.2015

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