



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:09.02.2015
CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

W.P. (MD) No.737 of 2015
and
M.P. (MD) .No.1 of 2015

L.Vengadesh

... Petitioner

Vs.

1 The District Elementary Educational Officer,
Theni District, Theni.

**(*)2.The District Project Officer/
The Additional Chief Educational Officer
Sarva Siksha Abiyan Project
Theni, Theni District.**

**(R2 IMPEADED VIDE ORDER DATED.12/02/2015
IN MP (MD) .2/2015)**

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned order of the respondent in RC.No.2884/B4/2014 dated 12.01.2015 and quash the same.

For Petitioner : Mr.C.Jeganathan
For Respondent : Mr.V.Muruganandam
Additional Govt. Pleader

O R D E R

This Writ Petition is filed challenging the order of suspension dated 12.01.2015.

2. The petitioner was working as Headmaster of Panchayat Union Primary School, Nadukottai. He was placed under suspension through the impugned order on the reason that he has not commenced the construction work of the two class rooms even though a sum of Rs.5,50,000/- was sanctioned. According to the respondent, there is a delay of 2 1/2 months in commencing the construction work even after such payment was made to the School. The petitioner contends that the delay is not intentional, wanton and deliberate and only due to certain doubts that has arisen which are to be clarified by the authorities before implementing the project and for such purpose, the petitioner has made a request on 15.10.2014, seeking for clarification with regard to certain terms and conditions imposed along with the sanctioning order dated 12.09.2014. Therefore, it is contended that when such letter sent by the petitioner seeking for clarification is pending, passing the impugned order of suspension with reference to the same amounts to non application of mind.

3. Counter affidavit is filed, wherein it is contended that the petitioner has not utilising the fund and kept it idle for 2 1/2 months and therefore, the suspension order was rightly passed against them.

4. This Court, at this juncture, is not inclined to go into the merits of the suspension order. However, as rightly pointed out by the learned counsel for the petitioner that a letter dated 15.10.2014 was sent by the petitioner seeking for clarification before implementing the project. Therefore, it is for the respondent to consider such letter seeking for clarification and to find out as to whether the petitioner is justified in not commencing the project immediately. Accordingly, this Writ Petition is disposed of with the direction. **After disposing of this matter on 09.02.2015, it was mentioned by the learned counsel appearing for the petitioner that the petitioner's letter dated 15.10.2014 was directed to be disposed of by the District Elementary Educational Officer, Theni, while infact, it is addressed to the District Project officer/The Additional Chief Educational Officer, Sarva Siksha Abiyan Project, Theni, Theni District. Therefore, such officer can be directed to clarify and consider the claim of the petitioner's letter dated 15.10.2014. As the said official was not a party respondent in the Writ Petition, the petitioner has filed this miscellaneous Petition in MP(MD) No.2 of 2015 seeking to implead the officer, as one of the party respondents.**

2.Considering the above fact and circumstances of the case, the impleading petition is ordered and consequently, the order passed in the main Writ Petition on 09.02.2015 is modified as follows:-

(i) The petitioner's letter dated 15.10.2014 addressed to the second respondent, namely, the District Project Officer/The Additional Chief Educational Officer, Sarva Siksha Abiyan Project, Theni Theni District, shall be clarified by him and consequently, the first respondent shall consider the claim for revocation of suspense of the petitioner and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

(*)Modified order as per order of this court dt.16.02.2015

\\True copy\\

Sub Assistant Registrar

To

TO BE SUBSTITUTED TO THE ORDER ALREADY DESPATCHED 10.02.2015

1 The District Elementary Educational Officer,Theni District, Theni.

2.The District Project Officer/ The Additional Chief Educational Officer Sarva Siksha Abiyan Project, Theni, Theni District.

+1 CC TO THE SPL.GOV.T.PLEADER SR.NO.6021

+1 CC TO M/S.VEERA KATHIRAVAN, ADVOCATE SR.NO.7236

W.P. (MD) No.737 of 2015
09.02.2015