

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.12987 of 2016

Mr.R.Ramkumar

.. Petitioner

-vs-

1. The District Elementary Education Officer
Room No.302, Third Floor
Collectorate Building
Salem 636 001

2. The Assistant Elementary Education Officer
Tharamangalam Taluk
Salem District

.. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, to direct the
respondents to dispose of the petitioner's representation dated
22.1.2016.

For Petitioner ::Mr.S.Vijayaraghavan

For Respondents::Mr.A.Kumar
Special Government Pleader

ORDER

सत्यमेव जयते

When the writ petition was taken up, Mr.A.Kumar, learned
Special Government Pleader, taking instructions from
Mr.A.Thangaraj, the District Elementary Educational Officer,
Salem and Mr.G.Muthu, the Assistant Elementary Educational
Officer, Salem, the respondents herein, who are present in the
Court, has submitted that although the petitioner suffered an
order of suspension on 27.7.2015 and the order came to be
revoked by the respondents on 14.1.2016, subsequently the said
order of revocation of suspension was cancelled on 28.1.2016.
However, since the petitioner furnished only the xerox copy of
the order of revocation dated 14.1.2016, he was not reinstated
in service. In the meanwhile, he has come to this Court with

the present writ petition seeking for issuance of a writ of mandamus directing the respondents to dispose of his representation dated 22.1.2016, wherein he has sought for reinstatement by furnishing the xerox copy of the order revoking his suspension. Hence, the learned Special Government Pleader for the respondents contended before this Court that the question of reinstating the petitioner does not arise, as he has not challenged the order cancelling the revocation of suspension.

2. In reply, the learned counsel for the petitioner submitted that neither the order cancelling the revocation of suspension was served on the petitioner nor the petitioner was given any opportunity or informed that the said order of revocation of suspension was cancelled. On the other hand, when the order revoking the suspension was served on him on 18.1.2016, he immediately visited the school on 22.1.2016 requesting the authorities to permit him to join duty. But in the meanwhile, for the reasons best known to them, they refused to implement the order of revocation of suspension. Therefore, he has given a representation on 22.1.2016 and on this basis, he has come to this Court seeking a direction to consider the same. Adding further, the learned counsel submitted that the foundation for placing the petitioner under suspension shows that he had gone on leave without taking prior permission, because on the date when he was on leave, there was a surprise inspection by the officials of the respondent Department. Therefore, he was wrongly placed under suspension on the premise that he had gone on leave without taking prior permission. But this aspect has been clearly explained by the petitioner that only after taking prior permission, the petitioner went on leave.

3. Be that as it may, when the respondents thought it fit to revoke the order of suspension on 14.1.2016, without any notice whatsoever, the same ought not to have been again cancelled. However, when the submission made by the learned Special Government Pleader after taking instructions from the respondents-Officers that due to practical difficulties, the petitioner can be accommodated in another school under the Mallakottai Panchayat Union, which is only five kilometres from the present place, was pointed out to the learned counsel for the petitioner, agreeing to the said proposal, the learned counsel for the petitioner also submitted that the petitioner is ready to join duty in the said school immediately on receipt of the order from the respondents.

4. In the light of the above, the respondents, who are present in Court, are directed to issue the order accommodating the petitioner in the school under the Mallakottai Panchayat Union on or before 15.4.2016 and that the petitioner shall join duty in the said school immediately. With this direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The District Elementary Educational Officer,
Room No.302, Third Floor,
Collectorate Building,
Salem 636 001.
2. The Assistant Elementary Educational Officer,
Tharamangalam Taluk,
Salem District.

1cc to M/S.S.Vijayaraghavan, Advocate Sr.23237

W.P.No.12987 of 2016

ssk(CO)
srg(13/04/2016)

सत्यमेव जयते

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