

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.11474 of 2015

And

M.P.No.1 of 2015

Mylsamy

... Petitioner

Vs.

The District Elementary Educational Officer,
Coimbatore.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of suspension dated 03.12.2012 passed by the respondent in his proceedings of R.C.No.5167/A3/2012 and quash the same and consequently directing the respondent to reinstate the petitioner and regularize the period of suspension as duty.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

The present writ petition has been filed seeking a Certiorarified Mandamus calling for the records pertaining to the impugned order of suspension dated 03.12.2012, passed by the respondent in his proceedings of R.C.No.5167/A3/2012 and quash the same and consequently, directing the respondent to reinstate the petitioner and regularize the period of suspension as duty.

2.The petitioner was working as Secondary Grade Assistant in Panchayat Union Primary School, Nellithurai, Karamadai Range. Whiles, based on the complaint lodged by his wife, a case was registered against the petitioner in Crime No.10 of 2012 for the

offence punishable under Sections 406, 417, 494 IPC by the All Women Police Station, Conoor and the petitioner was arrested and remanded to judicial custody. Hence, by taking note of the arrest, the respondent suspended the petitioner from service vide, proceedings dated 03.12.2012.

3.The case in Crime No.10 of 2012 was taken on file in C.C.No.18 of 2013 by the learned Judicial Magistrate, Conoor. On completion of trial, the learned Judicial Magistrate, Conoor vide judgment dated 01.08.2014, acquitted the petitioner stating that the prosecution has failed to prove the case beyond reasonable doubt. Thereafter, the petitioner made several representations to the respondent requesting to revoke the order of suspension, but the same has not been considered so far. Hence, left with no other alternative, the petitioner has come forward with the present writ petition.

4.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

5.Though this writ petition has been filed for a larger relief, this Court is not inclined to pass any positive order. This Court, directs the petitioner to give a fresh representation along with a copy of this order to the respondent, within a period of two weeks from the date of receipt of a copy of this order and the respondent on receipt of the same, is directed to consider the said representation, on merits and in accordance with law and pass appropriate orders, within a period of four weeks thereafter.

6.It is made clear that this Court has not expressed any of its opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to decide the issue, purely on merits.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

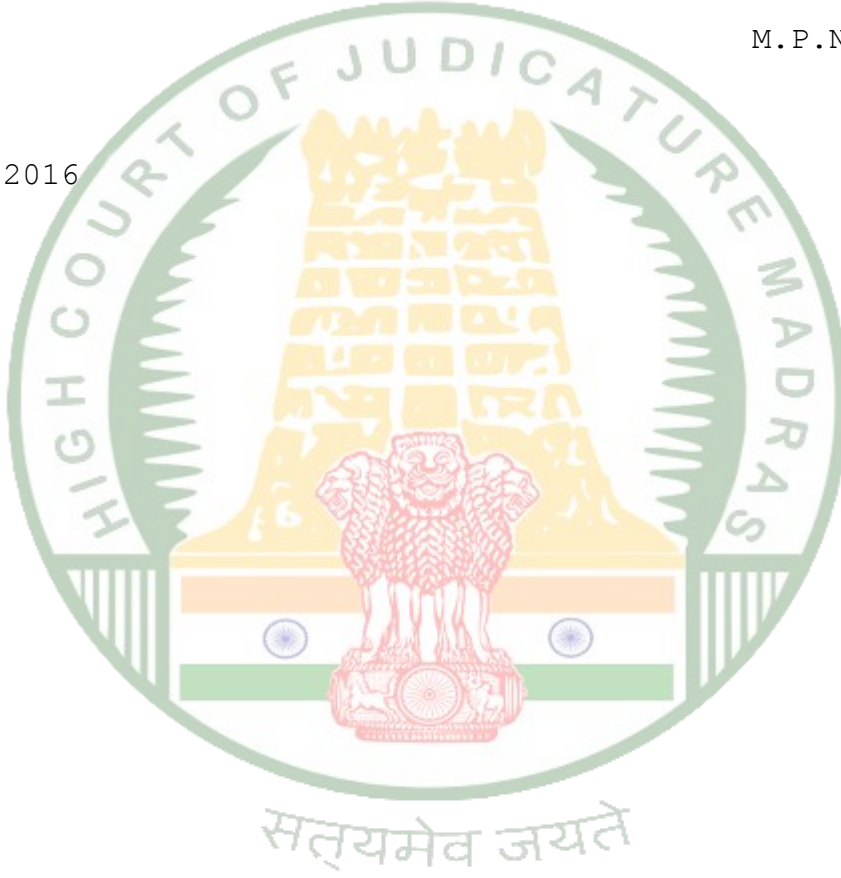
To

The District Elementary Educational Officer,
Coimbatore.

+1cc to Mr.R.Nalliyappan, Advocate Sr.52570

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