

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-07-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.22968 of 2016
and
W.M.P.No.19687 of 2016

M.Shiv Kumar

... Petitioner

Vs.

1. The Director of School Education
College Road
Nungambakkam
Chennai-600 008.

2. The District Education Officer (East Zone)
No.81, Choolaimedu High Road
Choolaimedu
Chennai-600 094.

3. The Correspondent
Shree Gowtham Chand Kothari Jain
Higher Secondary School
No.180, Mannar Swamy Koil Street
Royapuram, Chennai-600 013.

4. The Headmistrees
Shree Gowtham Chand Kothari Jain
Higher Secondary School
No.180, Mannar Swamy Koil Street
Royapuram, Chennai-600 013.

... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorari, to call for the records and quash the suspension order, dated 17.06.2016, passed by the 3rd respondent and pass such other orders as it may deem fit in the circumstances of the case.

For Petitioner : Mr.M.K.T.Gopu

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records and quash the suspension order passed by the 3rd respondent, on 17.06.2016.

3. The petitioner was appointed as a High School Teacher in the 3rd respondent School, on 29.05.2012. He was appointed in vacant regular post as a B.T.Assistant, on 27.05.2013. He was issued with a charge memo, by the 3rd respondent, on 21.11.2014. The petitioner submitted his explanation, on 25.11.2014. The 3rd respondent was issued with a Termination Order, dated 01.12.2014. The petitioner challenged the same before this Court in W.P.No.33061 of 2014 and the same was stayed, by order dated 16.12.2014. The petitioner submitted a representation to the 3rd respondent, dated 10.07.2015. The respondents 3 and 4 issued memos to the petitioner on various dates, for which, the petitioner has submitted his explanations. Subsequently, on 05.03.2016, the 3rd respondent issued a show cause notice and another notice to the petitioner to appear for personal enquiry, for which, the petitioner submitted his explanation. The 3rd respondent has submitted the enquiry report, on 17.03.2016. Pursuant to which, the impugned suspension order was passed by the 3rd respondent, on 17.06.2016. Hence, the present Writ Petition.

4. Mr.M.K.T.Gopu, the learned counsel appearing for the petitioner, would submit that, though, the prayer in this Writ Petition is for a larger relief, he is restricting his claim and he would be satisfied, if the petitioner is permitted to submit a fresh representation seeking for revocation of the suspension order, as he feels that it is only a aftermath of the earlier proceedings, and in turn, the 3rd respondent may be directed to consider the said representation and pass appropriate orders.

5. Mr.S.Gunasekaran, the learned Additional Government Pleader, who takes notice for the respondents, has got no objection in permitting the petitioner to submit a fresh representation and in directing the 3rd respondent to consider the same and to pass appropriate orders, on merits and in accordance with law.

6. Considering the submission of the learned counsel for the petitioner that though, the prayer sought for in this Writ

Petition is for a larger relief, since, he is restricting his prayer, suffice it to state that it is always open for the petitioner to submit a fresh representation to the 3rd respondent seeking for revocation of the suspension order, and if any such representation is made, the 3rd respondent shall consider the same and pass appropriate orders, after giving sufficient opportunity to the petitioner, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

paa

To

1. The Director of School Education
College Road, Nungambakkam,
Chennai-600 008.
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4. The Headmistress,
Shree Gowtham Chand Kothari Jain
Higher Secondary School
No.180, Mannar Swamy Koil Street
Royapuram, Chennai-600 013.

+1cc to Mr.M.K.T.Gopu, Advocate, S.R.No.37283

+1cc to the Government Pleader, S.R.No.37780

W.P.No.22968 of 2016

MP I(CO)

CA(19/07/2016)