

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37989 of 2016

A.Hilda

... Petitioner

vs.

1.The District Educational Officer,
Saidapet, Chennai / Central,
Chennai-15.

2.The Correspondent,
Advent Christian High Schools,
Velacherry, Chennai-42. ... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent herein to review the order of suspension issued by the second respondent in his proceedings dated 31.7.2015 by considering the representation made by the petitioner dated 2.12.2015.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader, for R1

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent herein to review the order of suspension issued by him in his proceedings dated 31.7.2015 by considering the representation made by the petitioner dated 2.12.2015.

2. It is the case of the petitioner that she was appointed as B.T. Assistant on 29.3.2006 by the second respondent in the vacancy arose due to the retirement of one C.Jacob and the same was approved by the first respondent with effect from 29.6.2006. Subsequently, she was promoted as Headmistress on 10.6.2013 in the vacancy arose due to the

retirement of one Elizabeth Noyal Bai, on 31.5.2013 and the same was also duly approved by the first respondent. While so, her husband borrowed a sum of Rs.70 lakhs from the Tamilnadu Mercantile Bank and since the bank officials collected exorbitant rent, the petitioner's husband filed a case before the Debt Recovery Tribunal. Hence, the bank with a mala fide intention, preferred a criminal complaint against the petitioner and her husband and the same was registered in Crime No.277 of 2015, pursuant to which, the petitioner was arrested and later on, released on bail. Thereafter, she was placed under suspension from 29.7.2015. Challenging the order of suspension, the petitioner filed a writ petition before this Court in W.P.No.36791 of 2015 and the same is pending. Thereafter, she sent a representation dated 15.10.2015 to the second respondent, followed by two reminder letters dated 2.12.2015 and 11.2.2016, to review the order of suspension. But, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that as per Section 22(3) of the Tamil Nadu Recognized Private School Regulation Act, 1973, the second respondent can place the petitioner under suspension only for a period of two months. However, though 14 months have lapsed, the second respondent has not taken any steps to revoke the order of suspension. Further, learned counsel submitted that during the period of suspension, the petitioner was not paid with any subsistence allowance. Hence, the petition.

4. I have also heard the learned Special Government Pleader, who has taken notice on behalf of the first respondent. In view of the limited order to be passed hereunder, this Court is of the view that notice is not necessary to the second respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a copy of the representation dated 11.2.2016 to the second respondent along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representation seeking revocation of her suspension order and pass appropriate orders, on merits and in accordance with law and also as per Section 22(3) of the Tamil Nadu Recognized Private School Regulation Act, 1973, within a period of six weeks thereafter. Insofar as the payment subsistence allowance is concerned, the petitioner is at liberty to approach the

second respondent by making a separate representation with regard to the payment of subsistence allowance and on receipt of the same, the second respondent is directed to pass appropriate orders / take appropriate action, on merits and in accordance with law, as early as possible.

6. The writ petition is disposed of on the above terms. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

sbi

To

1.The District Educational Officer,
Saidapet, Chennai / Central,
Chennai-15.

1 cc to Mr.J. Franklin, Advocate, Sr. 62086

1 cc to Government Pleader, Sr. 62490

W.P.No.37989 of 2016

GJ (CO)

kk 2/12

सत्यमेव जयते

WEB COPY