

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.42058 of 2016

and

W.M.P.Nos.35978 & 35979 of 2016

P.Sandhilyan

... Petitioner

Vs.

1.The Joint Director, (Higher Secondary)
Directorate of School Education (Higher Secondary),
DPI Complex, College Road,
Chennai-600 006.

2.The Chief Educational Officer (CEO),
Office of Chief Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.

3.The Head Master,
Govt Boys Hr.Sec. School,
Cheyyar Town,
Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings bearing number Rc.No.8521/A3/2016, dated 18.08.2016 on the file of the 2nd respondent and to quash the same as illegal, against natural justice and well established law and to direct the 2nd respondent to reinstate the petitioner in service.

For Petitioner : Mr.A.Selvendhiran

For respondents : Mr.V.Anandhamoorthy, AGP(For R1 & R2)

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings bearing Rc.No.8521/A3/2016, dated 18.08.2016 on the file of the 2nd respondent and to quash the same and consequently, to direct

the 2nd respondent to reinstate the petitioner in service.

2.It is the case of the petitioner that he is working as P.G. Assistant in the Cheyyar Boys Government Higher Secondary School. While so, on the basis of the complaint given by one Chitra alleging sexual harassment, a false case has been registered against the petitioner in Crime No.10 of 2016 on the file of the All Women Police Station, Cheyyar. On the basis of the registration of the said complaint, the 2nd respondent by the impugned proceedings dated 18.08.2016, placed the petitioner under deemed suspension from service with effect from 13.08.2016 until further orders, under Rule 17(e)(i) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Hence, challenging the suspension order, the petitioner has come forward with the present writ petition.

3.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 & 2 and perused the materials available on record.

4.The present writ petition has been filed challenging the impugned order dated 18.08.2016 passed by the 2nd respondent, under which the petitioner has been placed under suspension with effect from 13.08.2016. Considering the facts and circumstances of the case, this Court is not inclined to give any positive direction as sought for by the petitioner. However, considering the submissions made by the learned counsel for the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, this court directs the petitioner to give a representation to the 2nd 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. On receipt of such representation, 2nd respondent is directed to consider the same and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssv

To

- 1.The Joint Director, (Higher Secondary)
Directorate of School Education (Higher Secondary),
DPI Complex, College Road,
Chennai-600 006.
- 2.The Chief Educational Officer (CEO),
Office of Chief Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.
- 3.The Head Master,
Govt Boys Hr.Sec. School,
Cheyyar Town,
Thiruvannamalai District.

+3cc to Mr.A. Selvendhinan, Advocate, S.R.No.71433

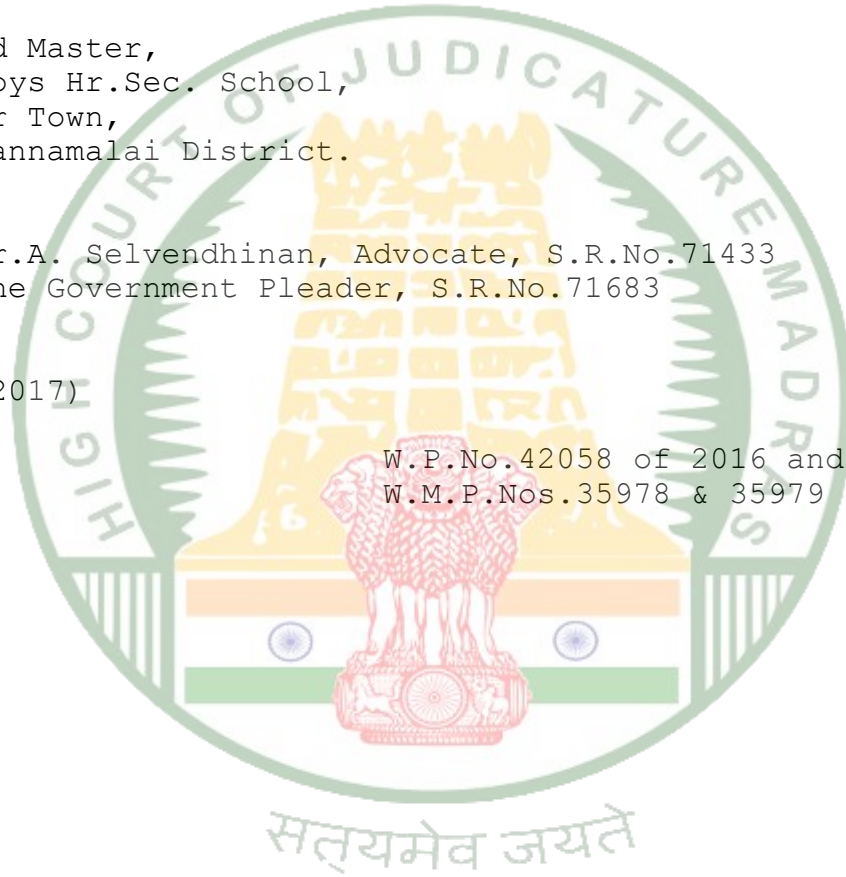
+1cc to the Government Pleader, S.R.No.71683

nmi (CO)

md(03/01/2017)

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