

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42588/2016

&

WMP.No.36513/2016

P.Margapandu

...Petitioner

Vs.

The Personal Assistant
[Development] to the District Collector
Tiruvannamalai District,
Tiruvannamalai 606601.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari calling for the records relating to the impugned order of suspension passed by the respondent in Na.Ka.No.10955/2014/Pa.E1-1 dated 13.10.2016.

For Petitioner : Mr.S.Kumara Devan

For Respondent : Mr.R.Govindasamy, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner, challenging the impugned order of suspension dated 13.10.2016, had filed this writ petition. A perusal of the materials placed before this Court, would reveal among other things, the petitioner had appeared in SSLC Examination conducted during March 1987 and failed in three subjects and thereafter, applied for Supplementary Examination during October 1987 and cleared all the three subjects and he was also issued with the SSLC Mark Lists bearing Certificates S.Nos.A2399742 and A2813045 respectively. Thereafter, the petitioner had participated in the selection process and got appointed in the post of Panchayat Clerk on 05.11.1999 and from 01.09.2006 onwards, his service has been regularised as per G.O.Ms.No.175 dated 05.12.2006 as well as the proceedings of the District Collector, Tiruvannamalai District, dated

20.12.2006 and the Block Development Officer, Polur, vide proceedings dated 29.12.2006. The petitioner also got his promotion as Village Assistant Grade-II with effect from 01.09.2006. According to the petitioner, he has participated in very many training programmes conducted by the relevant Organizations. However, to the shock and surprise of the petitioner, he was suspended by the respondent vide proceedings dated 13.10.2016, based on the allegation that the SSLC Mark List produced by the petitioner appears to be a bogus one.

3 Mr.S.Kumara Devan, learned counsel for the petitioner would contend that unless there is a contemplation of enquiry into grave charges, the order of suspension normally, cannot be resorted to and the petitioner is yet to be put on notice as to the proceedings of the Director of School Education, dated 15.09.2016 and as such, he is constrained to approach this Court, by making a challenge to the impugned order.

4 Per contra, Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondent would contend that the respondent is having the competency to place the petitioner under suspension and based on the proceedings of the Director of School Education dated 15.09.2016 only, a fair decision has been taken to place the petitioner on suspension and prays for dismissal of this writ petition.

5 This Court paid its best attention to the rival submissions and also perused the materials placed before it.

6 A perusal of the impugned order dated 13.10.2016 would disclose among other things, based on the proceedings of the Director of School Education dated 15.09.2016 in Na.Ka.No.261962/2016/tp12, the petitioner was placed under suspension and the order of suspension also reads that the petitioner ought to have passed 10th standard. But, he did not pass and having developed suspicion as to the genuineness of the SSLC Mark Lists produced by the petitioner and based on the above cited proceedings dated 15.09.2016 only, the petitioner has been placed under suspension. In the considered opinion of this Court, as long as the respondent is having competency to place the petitioner under suspension and also in the light of the settled position of law that unless and until it is punitive and mala fide, it cannot be put to challenge, this Court is of the view that the present writ petition lacks merit and substance.

7 However, taking note of the plea made by the learned counsel for the petitioner, the respondent is directed to furnish the copy of the proceedings of the Director of School Education dated 15.09.2016 to the petitioner within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, it is open to the petitioner to submit his representation to the respondent and it shall be considered in accordance with law and orders are to be passed as expeditiously as possible.

8 The writ petition stands dismissed subject to the above observation. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

The Personal Assistant
[Development] to the District Collector
Tiruvannamalai District,
Tiruvannamalai 606601.

+1cc to Mr.S.Kumara Devan, Advocate, S.R.No. 71833

+1cc to the Government Pleader, S.R.No. 72058

WP.No.42588/2016

PK (CO)
PSI (29/12/2016)

WEB COPY