



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2016

CORAM :

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.17443 of 2013

and

M.P(MD)Nos.1 and 2 of 2013

Joel R.H.Binni

... Petitioner

Vs.

1.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

2.The Correspondent,
St., Thomas High School,
Netta Post,
Kanyakumari District.

3.The Inspector of Police,
All Women Police Station,
Kuzhithurai,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the impugned order dated 12.07.2013 made in Memorandum No.13/13 passed by the 2nd respondent and quash the same and consequently, further direct the 2nd respondent to reinstate the petitioner into service forthwith as physical education teacher in the school namely, St., Thomas High School, Kanyakumari District.

For Petitioner : Mr.S.Palani Velayutham
For Respondents 1&3 : Mr.V.Muruganandam,
Additional Government Pleader.
For 2nd Respondent : Mr.T.Cibi Chakraborty

ORDER

The challenge in the writ petition is to the suspension order dated 12.07.2013. The petitioner is a physical education teacher due to some personal disputes, he was arrested and was behind bars more than 48 hours. The said act resulted in the suspension order being passed by the school. However after the petitioner was released from jail, he approached the school and made a representation which was graciously accepted by the school and the order of suspension dated 12.07.2013 was revoked on



09.08.2013. However, as promised, the petitioner did not turn to the school and join duty. Therefore, look out notices were issued in newspapers directing him to give report to the school otherwise appropriate action will be taken legally which was returned as door locked.

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2. In such circumstances, the second respondent school cannot be blamed. It is the petitioner he should have been vigilant in safeguarding his employment. However, considering the plight of the petitioner and the fact that there is no order of suspension as on date, it is open to him to approach the school and get himself reinstated. It is also open to the respondent school to take appropriate disciplinary proceedings for the unauthorised absence of the petitioner. The petitioner is also agreeable for the above said condition. Therefore, the petitioner is directed to approach the respondent school on or before 30.04.2016.

3. The writ petition is disposed of accordingly. No costs. Consequently, M.P(MD) Nos.1 and 2 of 2013 are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

sms

To

1. The District Educational Officer,
Kuzhithurai, Kanyakumari District.

2. The Inspector of Police,
All Women Police Station,
Kuzhithurai, Kanyakumari District.

3. The Correspondent,
St., Thomas High School,
Netta Post, Kanyakumari District.

+1CC to Spl. Government Pleader Sr.No.21037

+1CC to Mr.S.Palani Velautham Advocate Sr.No.20952

+1CC to Mr.T.Cibi Chakaravarthy Advocate Sr.No.20962

GJM/SKS/RR/22.4.16-2p-7C

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