

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.37305 of 2012

ORDER:

The petitioner, a Casual Relief Teacher (CRT) in Mathematics, invoked the jurisdiction of this Court questioning the order placing her under suspension pending enquiry. This Court, by its order dated 04.12.2012, granted interim stay of the order of suspension holding that, *prima facie*, the grounds of suspension were too vague to warrant suspension.

Sri K.Mallikarjun, learned counsel for the petitioner, would submit that the petitioner has been continuing in service for the past nearly four years, and the respondents should not be permitted, at this stage, to continue the earlier order of suspension passed more than four years ago; and the respondents can, at best, only cause an enquiry after giving the petitioner an opportunity of being heard.

In the counter affidavit, it is stated that the petitioner had intentionally led the children to come on the roads demanding continuation of Sri Venugopal as the Principal of the School; and as a Casual Relief Teacher in Mathematics, who was also a senior member of the staff, she used to behave rashly, and tried to dominate other workers in the institution.

In proceedings, under Article 226 of the Constitution of India, this Court would not sit in appeal over the decision of the competent authority to place an officer/employee under suspension pending enquiry, unless the order is passed *male fide* or is wholly without jurisdiction. It is not even the petitioner's case that the order of suspension is vitiated on these grounds. The fact,

however, remains that, pursuant to the interim order passed by this Court, the petitioner has been continued in service for the past four years and, at this length of time, the question of again placing her under suspension, pending enquiry, must be examined by the competent authority.

I consider it appropriate, therefore, to dispose of the writ petition setting aside the earlier order of suspension, leaving it open to the competent authority to decide whether the petitioner should be placed under suspension pending enquiry, and whether an enquiry should be held into those incidents which took place four years ago. Needless to state that, in case the respondents intend holding an enquiry against the petitioner, she shall be given a reasonable opportunity of being heard.

The Writ Petition stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

16th December, 2016
JSU

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Date: 16.12.2016

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