

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.7632 of 2017
and
WMP.No.8335 of 2017

M.Tamil Mani

..

Petitioner

Versus

The District Elementary Educational Officer,
Tiruvannamalai,
Tiruvannamalai District

..

Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari and Mandamus, call for the records of the respondent order dated 24.03.2017 in Proc.No.1448/B1/2017 and consequently direct the respondent to reinstate the petitioner Head Master.

For Petitioner : M/s.S.Gunaseelan

For Respondent : Mr.P.Sanjai Gandhi
Additional Government Pleader

ORDER

The order of suspension issued by the District Elementary Educational Officer, Tiruvannamalai in proceedings No.1448/B1/2017 dated 24.03.2017 is under challenge in this writ petition.

2 On a perusal of the order of suspension, this Court is able to find that the writ petitioner, who was holding the post of Head Master, had committed certain irregularities and on the basis of certain inputs, the writ petitioner was placed under suspension.

3. The order of suspension is not a punishment and based on the contemplation of the charges, the department placed the writ petitioner under suspension. Therefore, it is for the writ petitioner to contest / participate in the domestic enquiry and prove his innocence.

4. The grounds raised in the writ petition deserve no consideration, since the order of suspension can be interfered

only on certain exceptional grounds. If the order of suspension was issued without any jurisdiction or competency or if a mala fide is raised against the officer who issued the order of suspension and in the absence of any such legal ground, it is for the employee to participate in the enquiry to prove his innocence and such being the legal principles laid down in the subject of suspension, this Court is not inclined to consider the other grounds on merits raised in this writ petition.

5. Accordingly, the writ petition stands dismissed. However, no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rka/sji

To
The District Elementary Educational Officer,
Tiruvannamalai,
Tiruvannamalai District

+1 cc to Mr.S.Gunaseelan Advocate sr 47778
+1 cc to the Government Pleader sr 48079

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