

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2511 of 2017

J.Rajendran

.. Petitioner

-vs-

1. The Director of Adi Dravidar Welfare
Ezhilagam
Chennai 600 005
 2. The Director of Tribal Welfare
Ezhilagam
Chennai 600 005
 3. The Secretary
Government of Tamil Nadu
Adi Dravidar Welfare Department
Fort St.George
Chennai 600 009
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records of the first respondent vide proceedings G1/12146/2016 dated 03.01.2017 and quash the same and further direct the respondents to reinstate the petitioner in the interest of pupils who are going to appear for the forthcoming Government Examinations for the academic year 2016-17 to be held on 03.03.2017 to 31.03.2017.

For Petitioner :: Mr.K.Raju for Mr.D.Nagarajan
For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

The petitioner, who was appointed as Post Graduate Teaching Assistant (Botany) in the Government Adidravida Welfare Higher Secondary School, Arakkonam on 1.3.89, was given the benefit of regularisation by the Driector of Adidravidar Welfare in his proceedings dated 24.8.2016. After putting in 25 years of unblemished service, it is pleaded, in the Government Adidravidar Higher Secondary School, he was given promotion to the post of Headmaster by the order passed by the Director of

Adidraavidar Welfare, Chennai, the first respondent herein. It is also stated that the petitioner was appreciated for his performance in the Government examinations, since one of his students, namely, Vanitha of X standard stood second in the State for securing 90% in the examination held in 2014-15 and the said student was also awarded with a cash award of Rs.20,000/- by the late Hon'ble Chief Minister. Similarly, one another student, namely, Malarchelvi of XII standard was also awarded with a cash award of Rs.50,000/- by the late Hon'ble Chief Minister. When the petitioner has given his maximum performance, the present impugned order of suspension is totally unwarranted, as it is a motivated one, therefore, the same is liable to be set aside.

2. Heard both sides.

3. Admittedly, in the present case, the petitioner was placed under suspension on 3.1.2017. Although the learned Special Government Pleader for the respondents submitted that a charge memo has been issued to the petitioner, this has been completely denied by the learned counsel for the petitioner that after the petitioner was placed under suspension, till date, no steps whatsoever were taken to serve the copy of the charge memo on the petitioner. Since the petitioner, as a Teacher, was instrumental for the aforementioned two students to get the Hon'ble Chief Minister's award, as a result brought up the reputation of the school, it is unjustified on the part of the respondents to overlook the petitioner's contribution and they cannot hurriedly proceed to place him under suspension on any trivial charges. Moreover, no reason whatsoever has been mentioned in the order of suspension. Further, even the charge memo has not been served on the petitioner. This apart, till date, no enquiry has commenced.

4. Be that as it may. In view of the aforementioned reasons that the order of suspension has been passed without any good reason and till date no charge memo has been issued to him, the same is liable to be quashed. Accordingly, the impugned order is set aside and the respondents are hereby directed to reinstate the petitioner in service forthwith, on production of a copy of this order. The writ petition stands allowed. Consequently, W.M.P.2512 of 2017 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

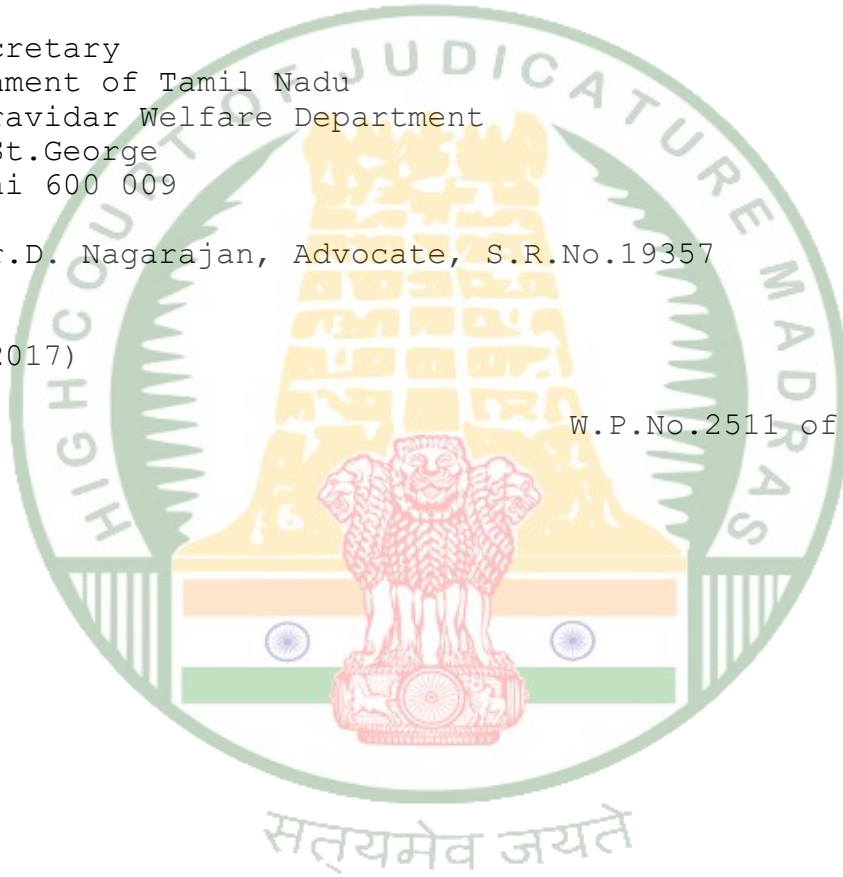
To

1. The Director of Adi Dravidar Welfare
Ezhilagam
Chennai 600 005
2. The Director of Tribal Welfare
Ezhilagam
Chennai 600 005
3. The Secretary
Government of Tamil Nadu
Adi Dravidar Welfare Department
Fort St.George
Chennai 600 009

+lcc to Mr.D. Nagarajan, Advocate, S.R.No.19357

rsi(CO)
md(03/04/2017)

W.P.No.2511 of 2017



WEB COPY