

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7200 of 2015
and
M.P.Nos. 1 and 2 of 2015

P.Jayapal

..Petitioner

Vs

1.The Joint Director of School
Education (Personnel)
Department of Public Instruction (DPI)
College Road, Chennai 600 006.

2.The Chief Educational Officer
New Bus Stand Back Side
Villupuram.

3.District Educational Officer
New Bus Stand Back Side
Villupuram.

4.The Head Master
Government Higher Secondary School
Rettanai, Villupuram.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorari Mandamus, to calling for the records relating to the order passed by the first respondent in R.C.No.76746/C5/E3/2013 dated 11.09.2013 and quash the same.

For Petitioner : Mr.S.Parthasarathy

For Respondents: Mr.Perumal
Government Advocate

O R D E R

The order of suspension issued by the first respondent in proceedings dated 11.09.2013, is under challenge in this writ petition.

2.The writ petitioner was holding the post of B.T.Assistant (Tamil) in Government Higher Secondary School, Rettanai,

Villupuram District. On account of the registration of a criminal case in Crime No.11 of 2013 dated 18.06.2013 under Sections 498A, 494 and 406 of I.P.C. the writ petitioner was placed under suspension by the Joint Director of School Education (Personnel) in his proceedings dated 11.09.2013.

3.The learned counsel appearing for the writ petitioner states that there is a family dispute and on account of that, the wife of the writ petitioner was preferred a complaint under Section 498A of I.P.C. and a criminal case was registered against the writ petitioner and the case is pending for trial. However, the writ petitioner was placed under suspension by proceedings dated 11.09.2013 and for the past about 4 years the writ petitioner is under continuance of suspension and there is no allegation or complaint against the writ petitioner in respect of his work as B.T. Assistant in Government Higher Secondary School.

4. Further, the writ petitioner is a differently abled person and he is visually impaired. Such being the factum of the case, this Court is of the opinion that continuing the impugned order of suspension is not preferable. Since the writ petitioner is under suspension for the past about 4 years, the State is paying the subsistence allowance to the writ petitioner for the past about four years without extracting any work. Certainly, it is a loss to the State Exchequer and in the event of continuing the suspension, it will be a continuous loss. Contrarily, the writ petitioner shall be reinstated and posted in a non-sensitive post and place till the final disposal of the criminal case.

5. In view of the fact that there is no complaint or allegation against the writ petitioner in the department, this Court is of the opinion that the order of suspension shall be revoked and the petitioner may be posted in any one of the non-sensitive post pending disposal of the criminal case in Crime No.11 of 2013.

6. Accordingly, the order of suspension issued by the first respondent in proceedings R.C.No.76746/C5/E3/2013 dated 11.09.2013 is quashed and the writ petition stands allowed. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Joint Director of School
Education (Personnel)
Department of Public Instruction (DPI)
College Road, Chennai 600 006.

2.The Chief Educational Officer
New Bus Stand Back Side
Villupuram.

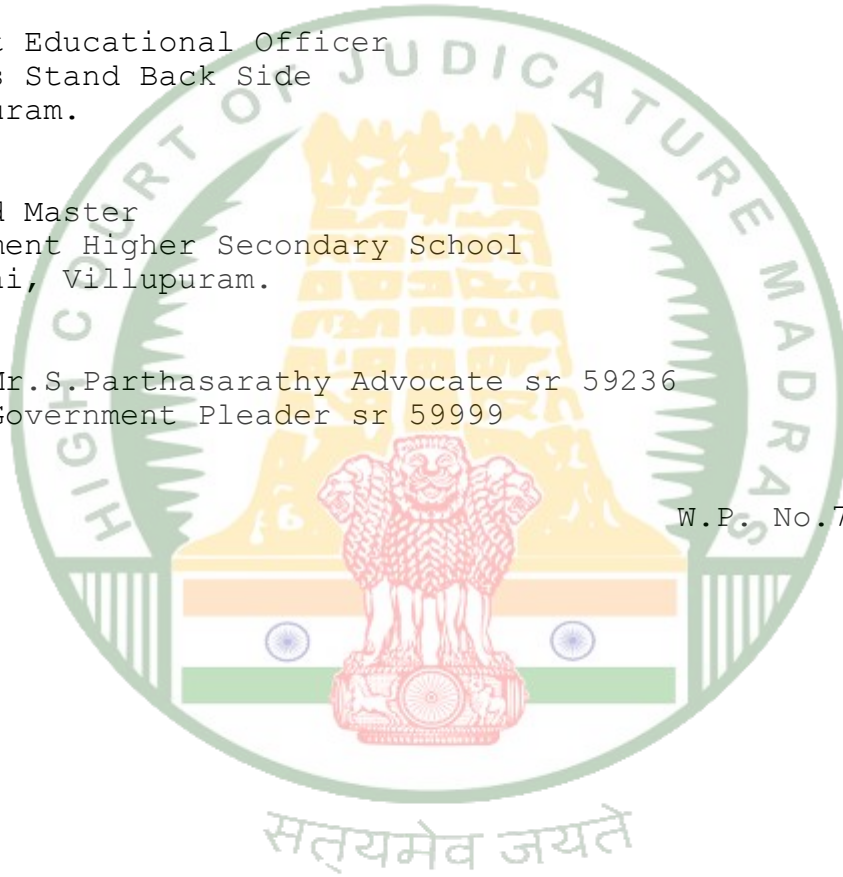
3.District Educational Officer
New Bus Stand Back Side
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4.The Head Master
Government Higher Secondary School
Rettanai, Villupuram.

+1 cc to Mr.S.Parthasarathy Advocate sr 59236
+1 cc to Government Pleader sr 59999

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