

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :12.09.2017
CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.25056 of 2007
and
M.P.No.1 of 2007

C.Veeran

... Petitioner

Vs.

Joint Director (Personnel) of School Education,
College Road,
Chennai - 600 006.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records connected with the order of suspension issued by the respondent in Pro.Rc.No.90330/C8/C3/2005 dated 15.11.2006 and to quash the same.

For Petitioner : Mr.K.Govindan

For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader for R1

O R D E R

Challenging the order of suspension dated 15.11.2006, the petitioner has filed the present writ petition praying for issuance of a Writ of Certiorari to call for the records connected with the order of suspension issued by the respondent in Pro.Rc.No.90330/C8/C3/2005 dated 15.11.2006 and to quash the same.

2. The case of the petitioner is that the petitioner was working as a B.T.Assistant (Science) in Government High School, Thiruvannainallur, Villupuram District and he was transferred to Government High School, Kumananthozhu, and subsequently he was placed under suspension with effect from 15.11.2006, pursuant to the criminal case was registered in Crime No.335/05 under section 309 of IPC on the file of Thiruvannainallur North Police Station, on the allegation that a student who was studying in 9th standard committed a theft of Rs.1,500/- and the same was recovered from her, which was questioned by the petitioner along with another teacher, she committed suicide by immolation. Challenging the said order of

suspension, the petitioner has filed the present writ petition before this Court.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner states that the petitioner was suspended from his service from 14.08.2004 pursuant to the criminal case registered against the petitioner. In the said case a charge sheet was also laid before the Judicial Magistrate No.II, Ulundurpet, dated 06.02.2007 and the same is pending without further any progress. On the other hand, no proceedings was initiated by the respondent. Therefore, the order of suspension is totally unnecessarily pending from 2007 onwards. Hence, this petition may be allowed.

4. Mr.R.Govindasamy, the learned Special Government Pleader informed before this Court that due to pendency of the criminal case, the Departmental proceedings was not initiated.

5. It is a admitted fact that the criminal case has been registered in Crime No.335 of 2005 for the offences under Section 309 r/w 109 of IPC, which is not minor offence. Though the petitioner was suspended from service, pursuant to the registration, till date no Department proceedings was initiated. After filing the charge sheet on 06.02.2007, the Trial Court proceedings was not completed even after a lapse of 10 years.

6. Therefore, I am of the opinion that when the department is not taking any action or initiating any proceedings against the petitioner and criminal case is pending for more than ten years, there is no necessity for continuing the said suspension order against the petitioner. Therefore, the suspension order is liable to be set aside.

7. Accordingly, (a) this writ petition is allowed and the order of suspension in Pro.Rc.No.90330/C8/C3/2005, dated 15.11.2006 passed by the respondent is quashed;

(b) The respondent is at liberty to take appropriate action after completion of the criminal case based on the FIR registered in Crime Nos.335 of 2005 under Section 309 r/w 109 of IPC, dated 16.07.2005.

8. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

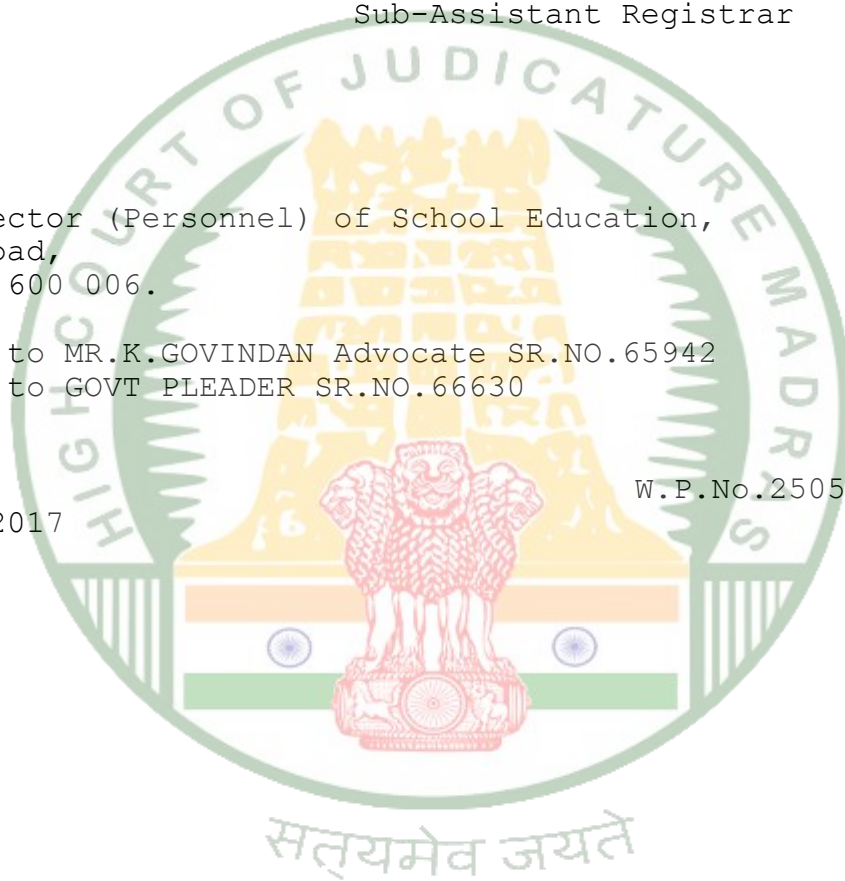
To

Joint Director (Personnel) of School Education,
College Road,
Chennai - 600 006.

+1CC to MR.K.GOVINDAN Advocate SR.NO.65942
+1CC to GOVT PLEADER SR.NO.66630

W.P.No.25056 of 2007

MK:26/10/2017



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