

In the High Court of Judicature at Madras

Dated : 28.4.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

Writ Petition No.2605 of 2004

Zavier

...Petitioner

Vs

1.The Secretary, P.L.W.A. Higher
Secondary School, Vikramasingapuram,
Tirunelveli District.

2.The District Educational Officer,
Cheran Mahadevi, Tirunelveli District.

3.The Chief Educational Officer,
Tirunelveli District.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorari to call for the
records in Na.Ka.No.127/A3/03 dated 31.12.2003 on the file of
the second respondent herein and quash the proceedings thereon.

For Petitioner : Mr.V.Bhiman
For Respondent-1 : No appearance
For Respondents 2 & 3: Mr.Dhananjayan, SGP

ORDER

The writ petition has been filed challenging the order
passed by the second respondent vide proceedings dated
31.12.2003.

2. The writ petitioner is working as a B.T.Assistant and
Troop Commander in NCC. The contention of the learned counsel
for the petitioner is that the writ petitioner has served nearly
about 13 years at the time of filing the writ petition. However,
by a resolution dated 18.4.1996, it was resolved by the
Management to place the petitioner under suspension for a period
of one week on the complaint given by one Selvi.Aruna Rani - a
Secondary Grade Teacher. The order of suspension lapsed after

one week and the writ petitioner was reinstated in service.

3. The only grievance of the writ petitioner is that the fact regarding the suspension was recorded in his service register and that the same is to be deleted.

4. The impugned order passed by the District Educational Officer enumerates that the order suspending the writ petitioner for a period of one week was issued by the Management by obtaining due approval of the Competent Committee and that there was no irregularity or infirmity in passing the order of suspension. In the absence of any irregularity or infirmity in passing such order of suspension, the District Educational Officer has no powers under the Statute to delete the same. Such being the legal position, this Court is not inclined to consider the prayer sought for as such.

5. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS

To

1.The District Educational Officer,
Cheran Mahadevi,
Tirunelveli District.

2.The Chief Educational Officer,
Tirunelveli District.

+1cc to Mr.V.Bhiman, Advocate, S.R.No.26111

WP.No.2605 of 2004

RSI (CO)
RS(15/05/2017)