



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2017

C O R A M

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**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

W.P.(MD)No.10912 of 2017 and  
W.M.P.(MD)Nos.8347 to 8349 of 2017

S.Vijayaragavan

.. Petitioner

**Vs.**

1. The Chief Educational Officer,  
Thanjavur District,  
Thanjavur - 613 001.

2. The District Educational Officer,  
Thanjavur District,  
Thanjavur 613 001.

3. The Secretary & Correspondent,  
Sri Sivasamy Iyer Higher Secondary School,  
Thirukattupalli 613 104.

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for records of the proceedings of the third respondent made in Na.Ka.No.224, dated 21.08.2015 and the approval order of the second respondent made in Na.Ka.No.4496/A3/2015, dated 25.07.2016 and to quash the same.

For Petitioner : Mr.S.Thirumavalavan  
For R-1 & R-2 : Mr.J.Gunaseelan Muthaiah,  
Government Advocate.

**O R D E R**

This Writ petition is filed for issuing a Writ of Certiorari to quash the proceedings of the third respondent made in Na.Ka.No.224, dated 21.08.2015 and the approval order of the second respondent made in Na.Ka.No.4496/A3/2015, dated 25.07.2016.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

3. Mr.J.Gunaseelan Muthaiah, learned Government Advocate takes notice for the respondents 1 and 2. By consent, the Writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

4. This Writ petition is filed against the order of suspension



on the ground that the suspension of the petitioner by the impugned proceedings, from the year 2015 to till date is not valid.

5. The petitioner himself admitted that he was arrested in connection with the criminal case which is for the grave offences.

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6. The petitioner is also involved in the offence as per the statement of one of the accused who was arrested in connection with the criminal case. The criminal case is pending and hence it is not desirable to keep the Government servant in service, especially, when he was arrested and remanded to custody for three days. The fact that the petitioner was under suspension for a period about two years cannot be a reason to revoke the order of suspension. The suspension in this case is on the basis of petitioner's involvement in the criminal case which was registered for grave offences.

7. In such circumstances, the Writ petition deserves to be dismissed and hence, the same is dismissed.

8. However, the learned counsel for the petitioner has also made a submission that the petitioner is not paid Subsistence Allowance, though he is entitled to. If a representation is made by the petitioner within a period of two weeks from the date of receipt of a copy of this order, the respondent shall consider the same and pass appropriate orders on merits within a period of four weeks from the date of receipt of such representation from the petitioner. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

**To**

1. The Chief Educational Officer,  
Thanjavur District,  
Thanjavur - 613 001.
2. The District Educational Officer,  
Thanjavur District,  
Thanjavur 613 001.

+ 1 CC TO Mr.S.THIRUMAVALAVAN, ADVOCATE IN SR No. 59831  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 60221

PMU

TE/MR-KKR/SAR-I : 25/07/2017 : 2P/5C