THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.37989 OF 2017

Dated:13.11.2017

Between:

Thakur Dinesh Singh,
S/o. Nagender Singh,
Aged about 32 years,
SGT PS, Chitlapally Tanda,
Kodangal, Vikarabad District,
R/o.Yerranpally Village,
Kodangal Mandal, Vikarabad District .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Education
Department, Secretariat Buildings,
Hyderabad and others .. Respondents

FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
HIGH COURT OF JUDICATURE AT HYDERABAD
सत्यमेव जयते

The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

Heard.

2. Petitioner is a Secondary Grade Teacher working in Chitlapally Thanda. On the basis of the complaint dated 21.06.2017 to the effect that he was involved in a crime registered under sections 498-A, 307 and 323 I.P.C., he was placed under suspension *vide* proceedings dated 08.08.2017 issued by the 2nd respondent, pending enquiry. Questioning the said suspension order, the present writ petition is filed.

3. Learned counsel for the petitioner sought to contend that only on the ground that crime is registered based on a private complaint, petitioner is placed under suspension and the same is illegal. Further, though he filed explanation long ago, there is no progress in the enquiry.

4. Learned Government Pleader for Education, on the other hand, would contend that disciplinary action was initiated against the petitioner by the competent authority, and against the decision of the competent authority, an appeal shall lie to the appellate authority and the writ petition is not maintainable.

5. It is seen from the record, consequent upon the order of suspension, petitioner was served with charge memo dated 18.08.2017 and petitioner filed explanation.

6. Under Rule 33 of the Telangana Civil Services (Classification, Control & Appeal) Rules, 1991, petitioner has an effective and efficacious remedy of appeal to the appellate authority against the decision of the competent authority placing him under suspension. Without exhausting the said remedy of appeal, he filed this Writ Petition.

7. Therefore, the Court is not inclined to entertain the Writ Petition. It is appropriate to relegate the petitioner to avail the remedy of appeal available to him under the statute.

8. The Writ Petition is accordingly disposed of, leaving it open to the petitioner to avail the remedy of appeal. It is open to him to raise all the contentions as available in law and seek review of suspension from service. It is needless to observe that if an appeal is preferred by the petitioner, the same shall be considered by the appellate authority within a period of six weeks from the date of receipt of a copy of the appeal. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:13.11.2017
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