

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.10045 of 2018  
and W.M.P.Nos.12002 and 12003 of 2018

M.Sivakumar

....Petitioner

Vs

- 1.The Director of Elementary Education  
DPI Building, Chennai 600 009.
  - 2.The District Elementary Education Officer  
Dharmapuri.
  - 3.R.Karooran
- ....Respondents

For Petitioner : Mr.D.Charles Muthu Shanthan

For Respondent : Ms.P.Kavitha,  
Government Advocate - for R1 & R2  
Mrs.G.Sumithra - R3

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records relating to the suspension order in ROC No.3228/A3/2017 dated 02.04.2018 passed by the second respondent and quash the same as illegal, improper, arbitrary, unreasonable and thereby direct the respondent to reinstate the petitioner into service as S.G.Assistant, Panchayat Union Middle School, Jogipatti, Palacode Union, Dharmapuri and pay back all service and monetary benefits.

ORDER

The petitioner, who was working as Secondary Grade Teacher, was placed under suspension by the order dated 02.04.2018, on the ground of not submitting the Form 16 to the Income Tax Department for assessment year 2016-17 properly. The petitioner submits that the third respondent herein, who is his father-in-law (Retired District Elementary Superintendent), to wreck vengeance against the petitioner in respect of a family dispute, has preferred a complaint against the petitioner, which has been forwarded to the Income Tax Department as well as the respondents, resulting in the impugned suspension order. It is the case of the petitioner that he has regularly submitted his Form 16 to the Income Tax Department and has regularly paid the tax amount.

2. Learned counsel for the petitioner submits that as on date there is no arrears of income tax and that the third respondent has preferred the complaint on account of personal grudge, which has resulted in the suspension order.

3. Considering the facts and circumstances of the case, this Court is of the view that the impugned suspension order cannot be termed as the one issued in public interest and the same is liable to be quashed. Accordingly, the writ petition is disposed of, with a direction to the respondents to revoke the suspension order dated 02.04.2018 and pass consequential further orders. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Director of Elementary Education  
DPI Building, Chennai 600 009.

2.The District Elementary Education Officer  
Dharmapuri.

+1 CC to Mr.D.Charles Mortho Shanthan, Advocate sr 86068.

+1 CC to Govt. Pleader sr 86762.

+1 CC to Mr.G. Sumithra, Advocate sr 86576.

W.P.No.10045 of 2018  
and W.M.P.Nos.12002  
and 12003 of 2018

GJ(CO)  
SP(09/01/2019)

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