

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM:

THE HONOURABLE Dr.JUSTICE S.VIMALA

W.P.No.32698 of 2018

P.Anbu

... Petitioner

versus

The District Elementary Education Officer,
O/o. The District Elementary Education Office,
Villupuram District.

... Respondent

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of certiorarified mandamus, to call for the records in proceedings in Na.Ka.No.4425/A3/2012, dated 22.08.2012, on the file of the respondent and to quash the same as illegal, incompetent and wholly without jurisdiction and to further direct the respondent to reinstate the petitioner into service with all monetary benefits.

For Petitioner : M/s.R.Soundaryalakshmi
for M/s.V.Raghavachari

For Respondent : Mrs.P.Kavitha
Government Advocate (Edu)

ORDER

The petitioner was appointed as Secondary Grade Teacher in the year 2009. Subsequently, he was posted as Physical Trainer Teacher in the same Institution in the year 2010. At the later point of time, with the allegation that the petitioner along with others connived in disclosing TNPSC Group-II question paper, a case was registered in Cr.No.279 of 2012 against him, for the alleged offence under Sections 120(B), 417, 420, 465 and 458 of IPC. Hence, the petitioner was placed under Suspension, by an order dated 22.08.2012. Thereafter, the petitioner made a representation dated 05.04.2013 to the respondent seeking to revoke the order of suspension as the allegation made against him is baseless. But, the said representation was not considered by the respondent. Thereafter, the petitioner on 27.08.2018 made a representation to the respondent seeking

revocation of suspension order and to reinstate him into service. As there was no response, the petitioner has filed this writ petition.

2. The learned counsel appearing for the petitioner submitted that a similarly accused person namely Vivekanandhan, who had been placed under suspension on the same set of allegations, filed a writ petition in W.P.No.27199 of 2016 seeking to quash the suspension order and this Court, by an order dated 25.11.2016, quashed the impugned orders dated 14.08.2012 and 12.01.2015 and directed the respondent therein to reinstate the petitioner therein in any non-sensitive post. Placing reliance upon the said order, the learned counsel appearing for the petitioner pleaded that the petitioner is also similarly placed person in the sense that he is placed under suspension on the same set of allegations and therefore, the respondent should have been directed to revoke the order of suspension and to put the petitioner in any non-sensitive post.

3. Under the stated circumstances, the respondent is directed to consider the representation of the petitioner dated 27.08.2018, in the light of the order passed by this Court in W.P.No.27199 of 2016 dated 25.11.2016 and to pass orders within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

The District Elementary Education Officer,
O/o. The District Elementary Education Office,
Villupuram District.

+1cc to M/s.V.Raghavachari, Advocate, S.R.No.84877
+1cc to the Government Pleader, S.R.No.85856

W.P.No.32698 of 2018

SJV(CO)
CS/18/02/2019