



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.1142 of 2018

N.Kannan

...Petitioner

Vs.

1.The District Educational Officer,
Thalla Kulam,
Madurai-625 002.

2.The Secretary,
Harveypatti High School,
Harveypatti,
Madurai-625 005.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner in service in the second respondent school as Sewing Teacher with all salary and monetary benefits and subsistence allowances as per Section 22(3) of Tamil Nadu Recognized Private Schools (Regulation) Act 1973 and Rule 17 of Tamil Nadu Recognized Private Schools (Regulation) Rules 1974 based upon the petitioner's representation dated 16.11.2017.

For Petitioner	: Mr.K.K.Kannan
For Respondents	: Mrs.S.Srimathy for R1 Special Government Pleader : Mr.R.Saravanan for R2 Government Advocate

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition itself is taken up for disposal.

3.The petitioner is employed in the Second respondent/School. He was implicated in a criminal case. He was remanded to judicial custody. Therefore, he was rightly suspended by the second respondent on 21.07.2017. The period of four months has already expired. Since the petitioner is employed in a private aided institution beyond a period of four months, he cannot be kept under suspension. It is also stated that no charge memo has been issued against the petitioner and no enquiry has been conducted.



4. In this view of the matter, the second respondent is directed to revoke the order of suspension and reinstate the petitioner into service forthwith and without any further delay. Treating the period of suspension and other issues are left open.

5. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To
The District Educational Officer,
Thalla Kulam,
Madurai-625 002.

+1CC to Mr.R.Saravanan, Advocate, SR.No. 47764
+1CC to Mr.K.K.Kannan, Advocate, SR.No. 48001
+1CC to the Special Government Pleader SR.No.48590

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