



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 1607 of 2018

and

W.M.P. (MD). No. 1696 of 2018

C.Ebanesar

.. Petitioner

Vs.

1.The Principal Secretary,
Higher Education (F2) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Director of College Education,
College Road,
Nungambakkam,
Chennai - 600 006.

3.The Principal,
Government Arts and Science College,
Melur,
Madurai - 625 106.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in G.O.(MS).No.345 on the file of first respondent office dated 01.12.2017 and quash the same as illegal and consequently direct the respondents to regularize the period of suspension with all monetary benefits within a stipulated time frame that may be fixed by this Court.

For petitioner : Mr. R.Karunanidhi
For respondents : Mr. J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government
Pleader takes notice for the respondents.



2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was employed as Assistant Professor in the third respondent/College. It appears that on account of dispute with the neighbour, he got implicated in criminal case. Crime No.792 of 2017 was registered on the file of The Sub Inspector of Police, Nagamalai Puthukottai Police Station. He was arrested and came out on bail after six days. Therefore, invoking the provisions relating to deemed suspension, the petitioner was suspended from service. The order of suspension cannot be faulted. However, the petitioner need not be kept under continued suspension. Because, continuing to keep the petitioner under suspension will not serve any purpose. The criminal case in which the petitioner got involved, has nothing to do with his official duties.

4. Therefore, in this view of the matter, even while sustaining the impugned order, direction is given to the first respondent to revoke the suspension and reinstate the petitioner in service forthwith.

5. This Writ petition is partly allowed. No costs. Consequently, W.M.P. (MD). No. 1696 of 2018 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1.The Principal Secretary, Higher Education (F2) Department,
Secretariat, Fort St. George, Chennai - 600 009.

2.The Director of College Education,
College Road, Nungambakkam, Chennai - 600 006.

3.The Principal, Government Arts and Science College,
Melur, Madurai - 625 106.

+1CC to the Special Government Pleader SR.No.49789

ORDER MADE IN

W.P. (MD) No. 1607 of 2018

and

W.M.P. (MD). No. 1696 of 2018

19.02.2018

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

AM/SV/MIS/SAR 3/20.02.2018/2P/5C