



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) No. 6441 of 2018andW.M.P (MD) No. 6253 of 2018

Amuthan

... Petitioner

Vs.

1. The District Elementary
Educational Officer (i/c),
Karur,
Karur District.

2. The Assistant District
Elementary Educational Officer,
Karur,
Karur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relation to the impugned order of suspension passed by the first respondent in his proceedings in R.C.No.3190/B3/2017 dated 24.11.2017 and quash the same as illegal and consequently direct the respondents to permit the petitioner to join duty by considering the representation of the petitioner dated 25.11.2017 within a period that may be stipulated by this Court.

For Petitioner : Mr.M.E.Ilango
For Respondents : Mr.J.Gunaseelanmuthiah AGP

ORDER

The petitioner is employed as a Teacher. He was suspended from service on 24.11.2017 following his implication in a criminal case. More than three months have lapsed. Till date, no charge memo has been issued. It is seen that the cause of action, which led to the writ petitioner suspension, has more to do with his union activities and nothing to do with his teaching duties.

2. In view of this undisputed state of affairs, this Court is inclined to sympathetically consider the writ petitioner's case. But then it is seen that the allegation against the writ petitioner is that he has been sending undesirable Whatsapp and SMS messages to his colleagues' Union. It also appears that the writ petitioner



contested for some posts and lost. Therefore, this Court wanted the writ petitioner to file an undertaking affidavit with regard to his future conduct. The writ petitioner even while asserting his innocence in respect of the criminal case filed against him, has now given an undertaking, which are in the following terms:-

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"6) Notwithstanding the above complaint and without prejudice to my defense thereof, I tender an unconditional undertaking that I will conduct myself with good behavior in future and I will not give room for any complaints. Further I assure that I will not violate the code of conduct nor will there be any omission or commission on my part constituting a misconduct and to that effect this affidavit is filed."

3. This undertaking affidavit filed by the writ petitioner is taken on record. Since no purpose will be served by continuing to keep the writ petitioner under suspension, the first respondent is directed to revoke the order of suspension and reinstate the petitioner in service within a period of two weeks.

This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The District Elementary
Educational Officer (i/c),
Karur,
Karur District.

2. The Assistant District
Elementary Educational Officer,
Karur, Karur District.

+1CC TO M/S.M.E.ILANGO, ADVOCATE, SR NO.58810
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.59268

W.P. (MD) No. 6441 of 2018

and

W.M.P (MD) No. 6253 of 2018

28.03.2018

skn

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