



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.8840 of 2018

and

W.M.P (MD) Nos.8266 & 9580 of 2018

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V.Gowthaman

...Petitioner

Vs.

1.The Joint Director of School Education (Personnel),
Directorate of School Education, Chennai-6.

2.The Joint Director of Matriculation Schools,
Directorate of Matriculation Schools, Chennai-6.

3.Mrs.C.Usha Rani,
The Joint Director of Matriculation Schools,
Directorate of Matriculation Schools, Chennai-6.

4.The Chief Educational Officer,
O/o. The Chief Educational Office, Karur-7.

5.The Head Master,
Government Higher Secondary School,
Elavanoor, Karur District-639 202.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in his proceedings in R.C.No.17529/C3/S3/2018, dated 11.04.2018 and quash the same as illegal.

For Petitioner : Mr.M.Ajmalkhan
Senior Counsel for
M/s.Ajmal Associates

For Respondents : Mr.N.Shanmugaselvan
Additional Government Pleader

O R D E R

The petitioner, while serving as B.T.Assistant (Maths), Government Higher Secondary School, Elavanoor, Karur District, was placed under suspension by the first respondent herein, through an order dated 11.04.2018, which are impugned in the present writ petition. The petitioner's representation dated 04.04.2018 seeking for revocation of his suspension was not considered by the first respondent and hence the present writ petition.



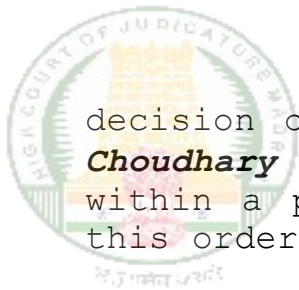
2. The guidelines governing a Government employee to be kept under prolonged suspension, has been dealt with the Hon'ble Supreme Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** at page 303, in the following manner:-

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"21. We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognised principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognise that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time-limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us."

3. The petitioner is aggrieved against his prolonged suspension of two years. Apparently, the suspension cannot unjustifiably prolonged, except in accordance with the mandated guidelines as held in the **Ajay Kumar Choudhary's case (supra)**. In this background, it would be appropriate for the first respondent to consider the petitioner's representation, seeking for revocation of his suspension.

4. Accordingly, a Writ of Mandamus is hereby issued with a direction to the first respondent herein to consider the petitioner's representation dated 04.04.2018 wherein the petitioner has sought for revocation of the suspension order passed by the first respondent vide his proceedings in R.C.No.17529/C3/S3/2018, dated 11.04.2018 in accordance with the



decision of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary (supra)**, as expeditiously as possible, in any event, within a period of one week from the date of receipt of a copy this order.

5. It is now brought to the notice of this Court that pursuant to the interim orders of this Court dated 20.04.2018, the petitioner is continuing to work as B.T. Assistant in the fifth respondent School. Till such consideration, the petitioner shall not be disturbed from the present working place.

6. The Writ petition stands disposed of accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar (CS)

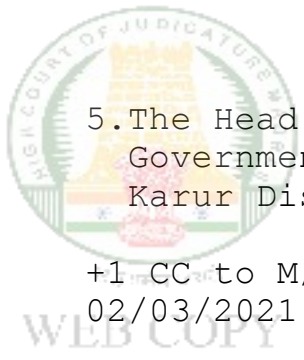
tsg

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Joint Director of School Education (Personnel),
Directorate of School Education, Chennai-6.
- 2.The Joint Director of Matriculation Schools,
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- 3.Mrs.C.Usha Rani,
The Joint Director of Matriculation Schools,
Directorate of Matriculation Schools, Chennai-6.
- 4.The Chief Educational Officer,
O/o. The Chief Educational Office, Karur-7.



5.The Head Master,
Government Higher Secondary School, Elavanoor,
Karur District-639 202.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-8295[F] dated
02/03/2021)

Order made in
W.P.(MD) No.8840 of 2018
and
W.M.P(MD) Nos.8266 & 9580 of 2018
01.03.2021

KM (12.03.2021) 4P 7C