



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 04.09.2018

CORAM

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.18870 of 2018

and

W.M.P (MD) No.16705 of 2018

B.Arunkumar

..Petitioner

Vs

1. The State of Tamil Nadu,
represented by its Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai-9.

2. The Director of Elementary Education,
College Road,
Chennai -6.

3. The Chief Educational Officer,
Dindigul-1.

..Respondents.

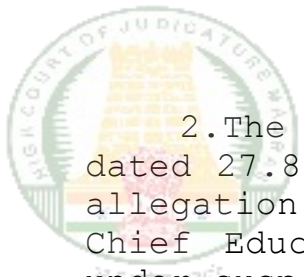
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the orders passed by the third respondent in R.C.No.3060/D1/2017, dated 27.08.2018 and to quash the same and consequently to direct the respondents to permit the Petitioner to discharge his duties as Block Educational Officer, Guziliamparai forthwith.

For Petitioner :M/s.T.A.Ebenezer

For Respondents :Mrs.S.Srimathi
Special Government Pleader

ORDER

The Petitioner has come forward with this Writ Petition seeking to quash the orders passed by the third respondent in R.C.No.3060/D1/2017, dated 27.08.2018, by which the Petitioner was placed under suspension and consequently direct the respondents to permit the Petitioner to discharge his duties as Block Educational Officer, Guziliamparai forthwith.



2. The main attack on the impugned order of suspension order dated 27.8.2018 is that without establishing the charge, a vague allegation has been made in the suspension order. Moreover, the Chief Educational Officer has no power to place the Petitioner under suspension.

3.A reading of the impugned order shows that certain allegations were made against the Petitioner regarding his negligence in work and inducement of other teachers to agitate and thereby failed to conduct a proper administration and it is for the department to ascertain as to whether the allegations levelled against him are true or not. It is pertinent to mention here that in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, certain amendments were made to the Special Rules for Tamil Nadu Elementary Educational Subordinate Service. (Section 48(A)(ii) of the Tamil Nadu Services Manual, 2016) which came into force on 18.5.2018 by G.O(Ms)No.16, dated 2,7,2018, the Chief Educational Officer is empowered to take appropriate action against his subordinates. In the present case on hand, the Petitioner was placed under suspension after passing of the Government Order and the contention that the Chief Educational Officer has no power, cannot be accepted. It is needless to mention that it is open to the Petitioner to make necessary representation to the respondents for suitable consideration. It is also observed that if the respondents still want to proceed with the enquiry, it is open to them to do so by issuing necessary charges and proceeding with the enquiry on day-to-day basis without adjourning the matter beyond seven working days at any point of time.

4. With the above observations, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar (Cs-I)

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat, Fort St.George,
Chennai-9.

<https://ncse.ernet.in/ncse-services/> of Elementary Education,
College Road,
Chennai -6.



3. The Chief Educational Officer,
Dindigul-1.

+1cc to Mr.T.A.Ebenezer, Advocate Sr.No.82045

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VB/SKN/SAR1/14.09.2018/3P/5C

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