



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 31.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.21039 of 2017
and
WMP (MD) No.17292 of 2017

S.J.Muralidharan

.... Petitioner

Vs.

1.The Chief Educational Officer,
Dindigul, Dindigul District.

2.The District Elementary Educational
Officer,
Dindigul, Dindigul District.

3.The Assistant Elementary Educational
Officer,
Athoor, Dindigul District.

4.The Secretary / Correspondent,
Thilagam Primary School,
Chinnalapatti, Dindigul District.

5.S.Gopidass,
Chief Educational Officer,
Dindigul, Dindigul District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent herein in R.C.No.3272/B2/2017 dated 01.11.2017, quash the same and consequently direct the respondents 1 to 3 herein to reinstate the petitioner as Primary Heamaster in the fourth respondent school with continuity of service with all consequential benefits.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mrs.S.Srimathy,

Special Government Pleader

ORDER

The petitioner is working as a Headmaster in an aided private school. The second respondent has passed the impugned order of suspension. As per Section 18(1)(c) of the Tamil Nadu Recognized



Private School (Regulations) Act, 1973, it is only the School Committee which is competent to take disciplinary action against the petitioner.

2. The learned counsel appearing for the writ petitioner states that on 01.11.2017, direct payment order was issued. But the same was stayed by this Court in WP(MD)No.21038 of 2017. Therefore, it is obvious that the impugned order of suspension is without jurisdiction. Even otherwise the petitioner could not have been kept under suspension beyond a period of two months. The impugned order is quashed. The petitioner is permitted to discharge his duties as Headmaster of Thilagam Primary School, Chinnalapatti, Dindigul District.

3. The writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Educational Officer,
Dindigul, Dindigul District.
2. The District Elementary Educational
Officer,
Dindigul, Dindigul District.
3. The Assistant Elementary Educational
Officer,
Athoor, Dindigul District.
4. The Secretary / Correspondent,
Thilagam Primary School,
Chinnalapatti, Dindigul District.
5. S. Gopidass,
Chief Educational Officer,
Dindigul, Dindigul District.

+1cc to M/S.T.Pon Ramkumar, Advocate SR.No. 45403

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