



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **26.09.2018**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD)No.1298 of 2018

and

C.M.P. (MD)No.9196 of 2018

B.Arunkumar : Appellant/Petitioner

Vs.

1. 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-I.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order of Writ Court dated 04.09.2018 made in W.P. (MD) No.18870 of 2018.

Prayer in WP(MD)NO. 18870 OF 2018 :

Writ Petition is 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 3rd respondent in R.C.No.3060/D1/2017 dated 27/08/2018 and quash the same and consequently direct the respondents to permit the petitioner to discharge his duties as Block Educational Office, Guziliamparai forthwith.

For Appellant : Mr.S.Louis
For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader

J U D G M E N T

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

Challenging the order of suspension, the appellant filed the Writ Petition. As the Writ Petition was dismissed, the present Writ Appeal has been filed.



2. The learned counsel for the appellant has raised two contentions, one is with respect to the jurisdiction to pass the impugned order and the other is on merit to the effect that the *defacto* complainant has undertaken before this Court to withdraw the complaint.

3. On both the grounds, we are not inclined to interfere with the order of the learned Single Judge. Admittedly, as per the Government Order, as recorded by the learned Single Judge, the third respondent, who passed the impugned order, has got jurisdiction. At this stage, we are not supposed to go into the merits of the case. Therefore, the second contention also fails. However, considering the facts and circumstances of the case, especially, in the light of the order passed by this Court at the time of granting anticipatory bail in favour of the *defacto* complainant, we permit the appellant to make a request to the respondents seeking review of the order of suspension. As and when such a request is made, the same will have to be considered, within a period of four weeks, without being influenced by any observation made by us as well as by the learned Single Judge.

4. The Writ Appeal stands disposed of accordingly. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Secretary to Government,
State of Tamil Nadu,
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-I.

+2cc to Mr.S.Louis, Advocate Sr.No.86687,87495

SML

VB/SKN/SAR1/10.10.2018/2P/6C