



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2018

CORAM:

WEB COPY

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 20250 of 2018

and

W.M.P. (MD) No. 18016 of 2018

Bhavani

... Petitioner

Vs.

1. The District Educational Officer,
Paramakudi,
Ramanathapuram District.
2. The Block Education Officer,
Paramakudi,
Ramanathapuram District.
3. The Bharathiyar Middle School,
Rep by its Secretary,
Paramakudi-630 707,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent pertaining to the suspension order bearing No.Nil dated 10.09.2018 and the charge memo bearing No.Nil dated 10.09.2018 and to quash the same and consequently, direct the respondents to permit the petitioner to discharge her duties as a Teacher in the 3rd respondent school.

For Petitioner	: Mr.S.C.Herold Singh
For R1 and R2	: Mrs.S.Srimathi
	Special Government Pleader

O R D E R

Challenging the order of suspension and the charge memo dated 10.09.2018 issued by the third respondent and for a consequential direction to the respondents to permit the petitioner to discharge her duties as a Teacher in the third respondent school, the present writ petition has been filed.



2.Mrs.S.Srimathi, learned Special Government Pleader takes notice for the first and second respondents.

3.By consent, the writ petition itself is taken up for final disposal.

4.Suspension is not a punishment and that the maximum period of suspension is only for a period of two months in terms of 22(b) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, and it can be extended for a further period of two months, subject to approval for sanction. Hence, at this stage, this Court cannot interfere with the order of suspension dated 10.09.2018 issued by the third respondent. It is further stated that the charge memo dated 10.09.2018 issued against the petitioner was baseless and that the petitioner was asked to induce the student in the respondent School, which was not accepted by the petitioner. Hence, a false complaint has been preferred against the petitioner and therefore, the present charge memo has been issued.

5.This Court cannot go into the veracity of the charges made against the petitioner. It is felt that the averments made in the charge memo is entirely different from what has been referred to by the petitioner in the communication, dated 24.07.2018, with which, this Court cannot come to a definite conclusion to the effect that the communication, dated 24.07.2018 and the incident said to have been taken place on various dates, which is mentioned in the charge memo dated 10.09.2018 are interlinked or not. It is for the respondent to establish the charges. Needless to say that it is open to the petitioner to dislodge the charges.

6.In view of the above, this Court cannot interfere with the charge memo, dated 10.09.2018. Hence, this writ petition fails and the same is dismissed. However, this order will not preclude the respondents from considering the representation of the petitioner, dated 04.08.2018, which shall be considered by the competent authority and suitable orders be passed thereon, in accordance with law, within a period of one month from the date of receipt of a copy of this order, if there is no legal impediment to do so. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1. The District Educational Officer,
Paramakudi,
Ramanathapuram District.

2. The Block Education Officer,
Paramakudi,
Ramanathapuram District.

+ 1 CC TO Mr.S.C.HEROLD SINGH, ADVOCATE IN SR No. 86116
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 86610

NS

TE/RP/SAR-4 : 22/11/2018 : 3P/5C

W.P. (MD) No. 20250 of 2018
24.09.2018