

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8048 of 2018

O R D E R :

This writ petition is filed challenging the proceedings dated 22-02-2018 wherein and whereby, the 3rd respondent-College suspended the petitioner with immediate effect till further orders pending enquiry on certain allegations.

Sri M.R.K.Chowdary, learned Senior Counsel for the petitioner submits that no charge memo is served on the petitioner as on today and only disciplinary authority is said to have been constituted for enquiring into the allegations, but that cannot constitute a ground for suspending the petitioner. No specific charges are made against the petitioner nor any prior notice is issued making allegations against the petitioner except issuing the impugned proceedings suspending the petitioner, which is not warranted and that too on vague allegations.

On the otherhand, Sri B.Srinivas Rao, learned Standing Counsel appearing for the respondent-College submits that it is only suspension pending enquiry and lot of complaints are there against the petitioner by the students and their parents and the Head of Department of the said College also. The petitioner is not signing in the Attendance Register, not attending the duties and not conducting the examinations. As such, the respondent-College has received warning letters from the concerned University. As a result,

having no other go, respondents 2 and 3 have taken decision of suspending the petitioner pending enquiry. He also submits that for an Educational institution if a professor does not conduct examinations and conduct classes regularly, it is a serious misconduct on the part of such professor. As such, respondents 2 and 3 have rightly issued the impugned proceedings and ordinarily, the Court will not interfere with the order of suspension pending enquiry. In support of his contention, he relied on the judgment of **G.Govindu v. Telangana State Road Transport Corporation, Hyderabad**¹.

It is to be seen that ordinarily, this Court will not interfere with the order of suspension, except in cases where the same is issued without jurisdiction or where serious malafidees are attributed. As seen from the contentions of learned counsel for respondents 2 and 3 serious allegations are made against the petitioner and enquiry is pending. As such, the truth or otherwise of the allegations cannot be gone into by this Court at this stage. In the judgment cited supra, this Court held that “*ordinarily an employee’s service can be placed under suspension, where disciplinary proceedings are contemplated or pending*”. Even as per Section 79(3) of the Andhra Pradesh Education Act, 1982 also, even during contemplation of disciplinary enquiry, an employee can be suspended. In view of the facts and circumstances, it is not a fit case where this Court should interfere with order of

¹ 2017(3) ALD 755

suspension wherein the same is issued in contemplation of disciplinary enquiry by exercising its power of judicial review under Article 226 of Constitution of India.

Accordingly, the writ petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

21-03-2018

Nvl

