

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.40512 OF 2015

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the 3rd respondent in issuing suspension order vide Rc.No.T1/257/2015, dated 25.08.2015, as arbitrary and illegal and consequently to direct the respondents to reinstate the petitioner into service.

Heard Sri Rajasekhar Tulasi, learned counsel appearing for the petitioner and learned Government Pleader for Tribal Welfare.

It is the case of the petitioner that initially, he was appointed as Physical Education Teacher in the respondent-School and he was further promoted as School Assistant (Physical Director). While so, his wife has given a complaint of dowry harassment and consequent upon which, Crime No.72 of 2015 was registered on 17.8.2015, pursuant to which, he was arrested and produced before the Judicial Magistrate of First Class, Rampachodavaram on 20.8.2015 and he was granted bail on 24.8.2015. Since he was detained in judicial custody for more than 48 hours in the said criminal case, he was placed under suspension. Challenging the same, the present writ petition is filed.

Learned Government Pleader for Tribal Welfare has contended that since the petitioner was detained in judicial custody for more than 48 hours, he was placed under suspension as per CCA Rules.

In the facts and circumstances of the case, this Court is of the considered view that ends of justice would be met if the writ petition is disposed of giving liberty to the petitioner to submit a representation to the respondents.

Accordingly, the Writ Petition is disposed of giving liberty to the petitioner to submit a representation to the respondents within four weeks from the date of receipt of a copy of this order and on receipt of such representation, respondents 1 to 3 shall consider the case of the petitioner for reinstatement into service by duly revoking the suspension order, and review his case, if necessary. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

23rd April, 2018
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