

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.04.2019
CORAM
THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.A. No. 1567 of 2019
&
C.M.P. No. 10769 of 2019

A. Pugazhendhi

..Appellant

Vs.

1. The Chief Educational Officer,
Kancheepuram Educational District,
Vaigundapuram Street,
Dr.P.S. Srinivasan Municipal
Hr.Sec.School Campus,
Kanchipuram - 631 501.

2. The State of Tamil Nadu,
rep.by its Secretary,
Education Department,
Fort St. George,
Chennai - 600 009.

3. The Headmaster,
Govt. High School,
Indhalur Village,
Kancheepuram District - 603 301.

..Respondents

Prayer: Writ Appeal filed Under Clause 15 of the Letters Patent
against the order dated 22 March, 2019 in W.P. No. 8249 of 2019.

Prayer in W.P. No. 8249 of 2019: Writ Petition filed under
Article 226 of the Constitution of India praying to this court
to issue a Writ of Certiorarified Mandamus, calling for the
entire records of the 1st respondent in his proceedings
R.C.No.1091 / A3 /2019 dated 18/02/2019 and quash the same and
consequently direct the 1st respondent to reinstate the
petitioner herein with all consequential benefits at the
earliest date that may be fixed by this Court.

For Appellant :: Mrs.P. Bagyalakshmi

For Respondents :: Mr.C. Munusamy,

J U D G M E N T

(Judgment of the Court was delivered by K.K. SASIDHARAN,J.)

The writ petition filed by the appellant for reviewing the order of suspension dated 18 February, 2019 was dismissed by the learned Single Judge. Feeling aggrieved, the appellant has come forward with this intra-court appeal.

2. The learned counsel appearing for the appellant contended that the First Information Report in question is a bogus one and on the basis of which it would not be possible for the Department to initiate disciplinary proceedings against the appellant. It was further contended that the explanation given to the Disciplinary Authority by the appellant was not considered and the order of suspension was not reviewed.

3. We have also heard the learned Special Government Pleader appearing on behalf of the respondents.

4. There is no dispute that the appellant was placed under suspension by order dated 18 February, 2019 on the file of the Chief Educational Officer, Kancheepuram District. The reason for suspension appears to be the involvement of the appellant in a case registered by the Kancheepuram Police. The appellant appears to have obtained bail from this Court by order dated 28 February, 2019. We are also informed that the appellant moved the Supreme Court to quash the proceedings initiated against him. The matter is now pending before the Honourable Supreme Court.

5. There was no attempt made by the Disciplinary Authority to review the suspension order. The review of the order of suspension by this Court would arise only after giving a reasonable opportunity to the Government to consider the matter on merits. We are of the view that the matter requires consideration by the Chief Educational Officer, Kancheepuram District.

6. The appellant has already given a representation dated 4 April, 2019. We give liberty to the appellant to submit a further representation indicating the subsequent events for the purpose of reviewing the order of suspension. We direct the Chief Educational Officer, Kancheepuram District to consider the representation dated 4 April, 2019 along with the further representation and pass appropriate orders on merits and as per law to decide as to whether the suspension should be continued indefinitely. Such exercise shall be completed on or before 17

June, 2019.

7. The intra-court appeal is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Chief Educational Officer,
Kancheepuram Educational District,
Vaigundapuram Street,
Dr.P.S. Srinivasan Municipal
Hr.Sec.School Campus,
Kanchipuram - 631 501.
2. The State of Tamil Nadu,
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3. The Headmaster,
Govt. High School,
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Kancheepuram District - 603 301.

+1 cc to M/s.P.Bagyalakshmi, Advocate, S.R.No.41630

+1 cc to the Government Pleader, S.R.No.42490

NM(CO)
SSM(30/04/2019).

W.A. No. 1567 of 2019

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