

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 22067 of 2019

C.Shanmugan

..Petitioner

Vs

The Chief Educational Officer,
Chief Education Office
Erode District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondent to revoke the order of suspension dated 19.09.2018 made in R.C.No. 8109/B2/2018 by considering the petitioner's representation dated 14.12.2018 and 15.06.2019 in light of the Judgment of the Hon'ble Supreme Court in Ajay Kumar Choudary Vs Union of India reported in 2015 (7) SCC 291.

For Petitioner : Mr.B.Mohan

For Respondent : Mr.RajaPerumal

Additional Government Pleader

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondent to revoke the order of suspension dated 19.09.2018 made in R.C.No. 8109/B2/2018 by considering the petitioner's representation dated 14.12.2018 and 15.06.2019 in light of the Judgment of the Hon'ble Supreme Court in Ajay Kumar Choudary Vs Union of India reported in 2015 (7) SCC 291.

2. The case of the petitioner was appointed as Bachelor Teacher Assistant grade for Social Science after clearing Teacher Eligibility Test and posted in Government Boys Higher Secondary School Kavindapadi in the month of September 2014. He was deployed to Model Higher Secondary School, Pattimaniyakaranpalayam, Erode District on October 2015 as Social Science teacher for classes 6th to 10th Standard. Accordingly, he has been discharging his teacher duty with utmost sincerity and dedication and devotion to the satisfaction of the respondent without any complaints or remarks.

3. Without any justification he was implicated as an accused in Crime No. 304 of 2018 on the file of Inspector of Police, Nambiyar Police Station under Section 12 of POCSO Act and Section 506(i) & 305 of IPC in related to the death of a school student namely Hamsalatha. It is alleged that deceased Hamsalatha was studying 12th standard at Pattimaniyakaranpalayam Government Model School, committed suicide on 16.09.2018 by consuming poison. It is alleged by the father of the deceased that the petitioner was working as Social Science Teacher in the above school and he harassed her and when the matter was made known to the family of the deceased, the petitioner expressed his love on the deceased and that drove to commit suicide out of insult on 16.09.2018 and hence the complaint was given on 18.09.2019.

4. Based on the criminal case, the petitioner has been suspended. The petitioner made a representation dated 25.06.2019, to revoke the suspension order. But till date the representation was not considered by the respondent. Hence, the present writ petition is filed.

5. The learned counsel for the petitioner would submit that it would be suffice, if this Court issues a direction to the respondent to consider their representation dated 25.06.2019 within a stipulated time frame fixed by this Court.

6. The learned counsel appearing for the respondent conceded to the requests made by the petitioner.

7. Considering the submissions made by the learned counsel for both sides and without expressing any opinion on merits, I am inclined to issue a direction to the respondent to dispose of the Writ Petitioner's representation dated 25.06.2019 within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition stands disposed of. No costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

kmm

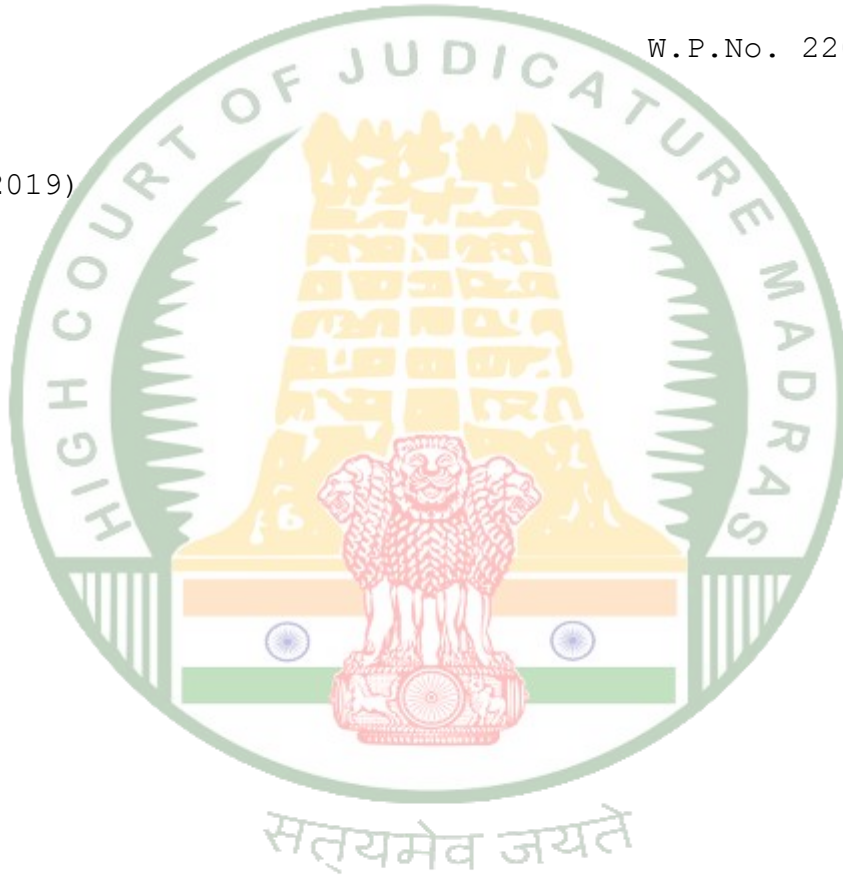
To

The Chief Educational Officer,
Chief Education Office
Erode District.

+1 CC to Mr.B.Mohan, Advocate sr 80585
+1 CC to The Govt. Pleader sr 80743.

W.P.No. 22067 of 2019

RSV(CO)
SP(29/11/2019)



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