



WEB COPY

W.A(MD).No.1209 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **27.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1209 of 2013
and C.M.P (MD) .No.1 of 2013

A.Rajeswari
Headmistress
P.U.Elementary School,
Mandabam, Mandabam Union,
Ramanathapuram District.

... Appellant

Vs.

The District Elementary Education Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P(MD).No.10262 of 2013 dated 26.06.2013.

Prayer in WP(MD). 10262/ 2013 :

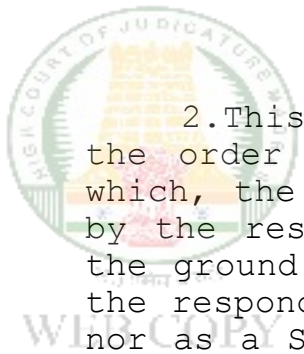
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari, calling for the records relating to the proceedings of the respondent in RC No. 2063/ A2/ 2013 DATED 10.06.2013 and quash the same .

For Appellant	: Mr.G.Murugendran
For Respondents	: Mrs.S.Srimathy
	Special Government Pleader

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.G.Murugendran, learned counsel appearing for the appellant and Mrs.S.Srimathy, learned Special Government Pleader for the respondent.



2.This appeal has been filed by the writ petitioner challenging the order made in W.P(MD).No.10262 of 2013, dated 26.06.2013, in which, the petitioner had challenged the order of suspension passed by the respondent, dated 10.06.2013. The order was challenged on the ground that it is vitiated by non-application of mind, because the respondent neither exercise its power as Disciplinary Authority nor as a Superior Authority to the appellant, but merely proceeded based upon the directions given by the Superintendent of Police alleging that the appellant along with 200 ladies gathered in a public place and were engaged in a communal clash. The learned Writ Court after considering the arguments advanced before it, has dismissed the writ petition holding that the order of suspension cannot be attacked on the ground that the facts stated therein are not correct. The writ petition was dismissed at the admission stage. Against which, this appeal has been preferred and the Hon'ble Division Bench granted an order of interim stay on 16.12.2013.

3.The learned Special Government Pleader, on instructions, submitted that by virtue of interim order, the appellant is continuing to work.

4.Considering the fact that the order of suspension is of the year 2013, we are of the view that the same cannot be still made and by efflux of time, no useful purpose would be served by vacating the correctness of the order of suspension nor to go into the aspect as to whether the Disciplinary Authority was justified in placing the appellant under suspension based upon a report of the Superintendent of Police.

5.Since the issue has become academic, we are of the considered view that the order of suspension should be set aside. Further more, the order of suspension had no effect, because interim stay was granted by the Hon'ble Division Bench. Thus, only for such reason, we are inclined to interfere with the order of suspension, which is impugned in the writ petition. The Writ Appeal is allowed and order of suspension, dated 10.06.2013 is quashed. The period of suspension be regularised in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

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Sub Assistant Registrar(CS)

rmk

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To

The District Elementary Education Officer,
Ramanathapuram,
Ramanathapuram District.

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+1 CC to Mr.G. MURUGENDRAN, Advocate (SR-101998[F] dated
28/11/2019)

W.A. (MD) No.1209 of 2013
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