



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.10406 of 2019
and
WMP (MD) No.8003 of 2019

Ravikumar

.. Petitioner

Vs.

1. The Director of Elementary School,
O/o.Director of Elementary School,
Chennai.

2. The Chief Educational Officer,
Pudukottai District,
Pudukottai.

3. The District Educational Officer,
Iluppur,
Pudukottai.

4. The Headmaster,
Panchayat Union Middle School,
Poruvaai,
Viralimalai Union,
Pudukottai District.

... Respondents

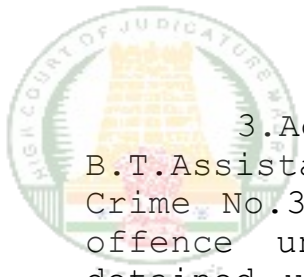
Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records on the file of the 3rd respondent vide Proceeding in R.C.No.4906/B3/2018 dated 01.12.2018 and quash the same.

For Petitioner	: Mr.Mohammed Imran for Mr.K.Kevinkaran
For Respondents	: Mrs.S.Srimathy Special Government Pleader

ORDER

This writ petition has been filed challenging the order of suspension passed by the third respondent in R.C.No.4906/B3/2018 dated 01.12.2018.

<https://hcservices.ecourts.gov.in/hcservices/> Heard the submissions made by the learned counsel on either side.



3. According to the petitioner he was working as B.T. Assistant in the third respondent school. While so, an FIR in Crime No. 393 of 2018 came to be registered against him for the offence under Sections 294(b), 353, 506(ii) IPC and he was detained under custody. Therefore, he was suspended from service by the proceedings of the third respondent dated 01.12.2018. Challenging the same, this writ petition has been filed.

4. Though the prayer in the writ petition is in the nature of Certiorari to quash the impugned order of suspension, at the time of hearing, the learned counsel for the petitioner submitted that it would suffice, if the representation of the petitioner dated 12.04.2019 is directed to be considered by the third respondent in the light of the decision of the Hon'ble Supreme Court in Ajay Kumar Choudhary V. Union of India through its Secretary and another, reported in AIR 2015 Supreme Court 2389, for which, the learned Special Government Pleader appearing on behalf of the respondents has no serious objection.

5. Considering the limited scope of the prayer now sought for by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to consider the petitioner's representation dated 12.04.2019 in the light of the decision of the Hon'ble Supreme Court in Ajay Kumar Choudhary V. Union of India through its Secretary and another, reported in AIR 2015 Supreme Court 2389 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.8003 of 2019 is closed.

Sd/-

Assistant Registrar

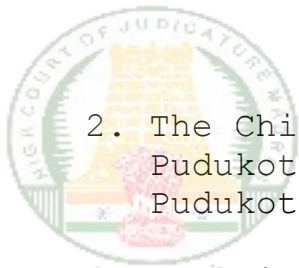
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Sub Assistant Registrar (CS)

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To

1. The Director of Elementary School,
O/o. Director of Elementary School,
Chennai.



2. The Chief Educational Officer,
Pudukottai District,
Pudukottai.

3. The District Educational Officer,
Iluppur, Pudukottai.

4. The Headmaster,
Panchayat Union Middle School,
Poruvaai, Viralimalai Union,
Pudukottai District.

+ 1 CC to Mr.K.Kevin Kumar, Advocate in SR.No.71679

+ 1 CC to The Special Government Pleader SR.No.72136

W.P (MD) No.10406 of 2019

26.06.2019

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