

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 17.07.2019****CORAM****THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR**

W.P.(MD).No.15855 of 2019 and
WMP(MD).Nos.12582 to 12584 of 2019

A. Premkumar

.. Petitioner

Vs.

1.The Director of Elementary Education,
DPI Compound, College Road,
Nungambakkam,
Chennai.

2.The District Educational Officer,
O/o. the District Educational Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Block Educational Officer,
Kadaladi Educational Block,
Kadaladi,
Ramanathapuram District.

..Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order made in RC.No.1579/A4/2016, dated 19.01.2017 on the file of the 2nd respondent herein and to quash the same.

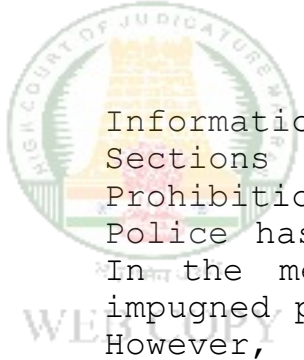
For Petitioner : Mr. M.Thirunavukkarasu
For Respondents : Mrs. S. Srimathy
Special Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned order passed by the 2nd respondent in RC.No.1579/A4/2016, dated 19.01.2017.

2. Mrs.S. Srimathy, learned Special Government Pleader takes notice for the respondents. By consent, this Writ Petition is taken up for disposal at the admission stage itself.

<https://hcservices.ecourts.gov.in/hcservices/Access> According to the petitioner, while he was working working as a Secondary Grade Teacher in Government School at Salem, a Police complaint was lodged against him and the First



Information Report has also been registered for the offences under Sections 498(A), 406 and 506(i) IPC and Section 4 of Dowry Prohibition Act, and the same is still pending and thereafter, the Police has also filed a Charge Sheet before Magistrate concerned. In the meantime, the petitioner was suspended from service by impugned proceeding issued by the 2nd respondent, dated 19.01.2017. However, the respondents have also initiated departmental proceedings and issued a charge memo, dated 10/10/2017 and the same is still pending. Since the petitioner was not granted subsistence allowance for the suspension period, he made various representations, dated 11.10.2017 and 31.10.2017 to the respondents and the same has been forwarded from the third respondent to second respondent. But, so far no order has been passed by the second respondent.

4. Though this petition has been filed to give a positive direction to the respondents, the learned counsel appearing for the petitioner submits that the petitioner will be satisfied, if a direction is issued to the 2nd respondent, to consider the representation of the petitioner, which was forwarded by the third respondent, dated 02.07.2018.

5. The learned Special Government Pleader appearing for the respondents submitted that the representation of the petitioner will be considered by the second respondent on merits within a specified time that may be fixed by this Court.

6. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the petitioner's case, directs the 2nd respondent to consider the representation of the petitioner, which was forwarded by the third respondent by proceeding in Na.Ka.No.47/m2 / 2018, dated 02.07.2018, on merits and in accordance with law, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. Needless to say that the petitioner shall forward a copy of the representation dated 31.10.2017 along with a copy of this order to the third respondent, to enable him to comply with directions passed by this Court.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //



To

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Ramanathapuram District.

3.The Block Educational Officer,
Kadaladi Educational Block,
Kadaladi,
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+1CC TO MR.M.THIRUNAVUKKARSU, Advocate Sr. No.75648

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 76033

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SVN(CO)

TR (08.08.2019) 3P 6C