



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.21018 of 2019

and

W.M.P (MD)No.17620 of 2019

David

... Petitioner

Vs.

1.The Chief Educational Officer,
Tirunelveli.

2.The District Educational Officer,
Valliyoor,
Tirunelveli District.

3.The Administrator,
Concordia Higher Secondary School,
Valliyoor,
Tirunelveli 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 pertaining to the order of the third respondent by his proceedings in Proc.No.075/ADMIN/IELC/2019 dated 15.04.2019 and quash the same as illegal, consequently directing the respondents to re-instate the petitioner into service as secondary grade teacher in the third respondent's school.

For Petitioner : Mr.T.Lenin Kumar

For R1 & R2 : Mr.A.Thiagarajan,
Government Advocate

For R3 : Mr.H.Mohammed Imran
for Ajmal Associates

ORDER

The present writ petition is filed challenging the order of suspension, dated 15.04.2019.

<https://hcservices.courts.mca.gov.in/hcservices/> 2. Read the learned counsel appearing for the petitioner and



the learned counsel appearing for the respondents and perused the materials available on record.

3. The petitioner while working as a Teacher in the third respondent school, based on the complaint given by the Protection Officer, District Child Protection Unit, Tirunelveli, he was arrested and remanded to judicial custody in a case in Cr.No.6 of 2019, on the file of the All women Police Station, Valliyoor, for the offences under Section 506(i) of IPC and Sections 9(1) and 10 of Protection of Children from Sexual Offences Act, 2012. Thereafter, the petitioner was released on bail by the learned I Additional District Judge, Tirunelveli, in Cr.M.P.No.3787 of 2019, dated 25.04.2019. The third respondent suspended the petitioner from service, by order dated 15.04.2019. The present writ petition is filed challenging the order of suspension and to reinstate him in to service.

4. The learned counsel appearing for the petitioner contended that as per Section 22(3)(b) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, suspension of a teacher shall not remain in force for more than two months and with permission of competent authority, it may be extended for further period of two months. In the present case, the period of suspension is exceeded for more than four months and hence, he prayed to revoke the suspension and reinstate the petitioner in to service. The contention of the learned counsel for the petitioner is without merits. Section 22(3)(b) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 is not applicable to the facts of the present case. The petitioner is not suspended due to enquiry of gross misconduct, as prescribed under Section 21(1) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973. In the present case, the petitioner was suspended due to pendency of the criminal case.

5. For the above reasons, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Chief Educational Officer,
Tirunelveli.

2.The District Educational Officer,
Valliyoor,
Tirunelveli District.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-93457[F] dated
22/10/2019)

+1 CC to M/s.SPL GP (SR-93558[F] dated 22/10/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-93700[F] dated
22/10/2019)

W.P. (MD) No.21018 of 2019
21.10.2019

JMN(08.11.2019) 3P : 6C