



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.21115 of 2019

and

W.M.P(MD)No.17760 of 2019

R.Ganesan

... Petitioner

Vs.

1.The Joint Director of School Education (Personnel)
Director of School Education,
Chennai-06.

2.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Pudukkottai.

3.The District Educational Officer,
Illuppur, Pudukkottai,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of suspension in RC.No.7527/A2/2019 dated 09.2019 signed on 19.09.2019 on the file of the Respondent No.2 and quash the same as illegal.

For Petitioner : Mr.S.Louis
For Respondents : Mr.A.Thiagarajan,
Government Advocate

ORDER

This writ petition is filed challenging the impugned suspension order issued by the second respondent in RC.No.7527/A2/2019 dated 09.2019, signed on 19.09.2019.

2. The petitioner was initially appointed as BT Assistant (Mathematics) and after certain promotion, he was promoted as Headmaster of the School. Due to his ill-health, he was admitted in the hospital and on medical leave. During that period, one Saravanamuthu was acting as Headmaster of the school. After recovery, the petitioner joined as Headmaster. The said Saravanamuthu gave a false complaint against the petitioner. Due to external pressure, the petitioner was placed under suspension from service with effect from 19.09.2019 in public interest until further



orders. The petitioner has come out with the present writ petition challenging the order of suspension on merits and questioning the jurisdictions of the second respondent.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. According to the learned counsel for the petitioner, the first respondent is the appointing authority as well as the disciplinary authority. He further submitted that only the first respondent has power to suspend the petitioner from service. To substantiate the said contention he has produced the order of promotion issued by the Joint Director of the School Education. The contention of the petitioner was not denied by the respondents. In view of the same, the order of suspension passed by the second respondent, who is the Chief Education Officer, is invalid and without jurisdiction.

5. In the result, the writ petition is allowed, by setting aside the impugned order of suspension passed by the second respondent, dated 19.09.2019. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Joint Director of School Education (Personnel)
Director of School Education, Chennai-06.

2.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Pudukkottai.

3.The District Educational Officer,
Illuppur, Pudukkottai, Pudukkottai District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 93552

W.P. (MD) No. 21115 of 2019

21.10.2019

SV 2 (CO)

TR (07.11.2019) 2P 5C