



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 8431 of 2017

and

W.M.P. (MD) Nos. 6429 and 6430 of 2019

WEB COPY

R. Packiyalakshmi

... Petitioner

Vs.

1. The District Elementary Educational Officer,
O/o. the District Elementary Educational Office,
Ramanathapuram.
2. The Additional Assistant Elementary Educational Officer,
O/o. the Additional Assistant Elementary Educational Office,
Kadaladi,
Ramanathapuram District.
3. The Secretary,
Ambigapathi Hindu Nadar Middle School,
N. Vellapatti,
Naripaiyur Post,
Kadaladi Taluk,
Ramanathapuram District.

4. Prof. Dr. Sundaram

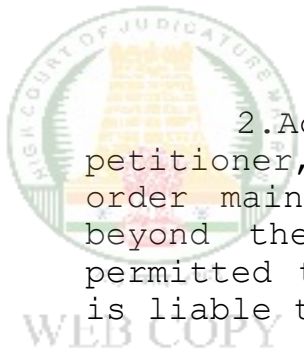
... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records of the impugned order dated 12.04.2017, on the file of the third respondent, quash the same as illegal and consequently, direct the respondents to reinstate the petitioner with the third respondent's School with all consequential benefits, within a time frame to be fixed by this Court.

For Petitioner	: Mr. T. Lajapathi Roy
For R1 and R2	: Mrs. S. Srimathy
	Special Government Pleader
For R3 & R4	: Mr. S. C. Herold Singh

ORDER

The petitioner has come up with the present Writ Petition seeking to quash the impugned order dated 12.04.2017, on the file of the third respondent, and consequently, direct the respondents to reinstate the petitioner with the third respondent's School with all consequential benefits, within a time frame to be fixed by this Court.



2. According to the learned counsel appearing for the petitioner, the petitioner has challenged the impugned suspension order mainly on the ground that she was placed under suspension beyond the period of four months and thereafter, she was not permitted to join duty and hence, the impugned order of suspension is liable to be quashed.

3. The first respondent has filed counter affidavit, wherein it has been stated that under Section 22(3)(b) of the Tamil Nadu Recognized Private School (Regulation) Act, 1973, the petitioner cannot be suspended and there is violation of provisions of the said Act and she cannot be placed under suspension without any enquiry.

4. The third respondent filed counter affidavit in the connected W.P.(MD)No.22119 of 2019, wherein it has been stated that the petitioner has preferred the present Writ Petition against the suspension order and also preferred W.P.(MD)No.12198 of 2017 challenging the charge memo and got an interim stay of the charge memo and the said case is pending. It has been further stated that the petitioner was temporarily suspended for four months and after the stipulated period, the petitioner has to return to work, but, she sent a representation on 04.10.2017 to reinstate her and to disburse the subsistence allowance. However, the third respondent sent the information about her absence to duty (after four months temporary suspension) to the educational officers and the third respondent has no objection to permit the petitioner to join duty.

5. The learned counsel appearing for the respondents 3 and 4 submitted that the above said counter affidavit may be treated as counter in the present Writ Petition also.

6. The learned counsel appearing for the petitioner has agreed that the petitioner will join duty immediately.

7. Recording the above said submissions of the learned counsel appearing for the parties and the counter affidavit filed by the third respondent, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

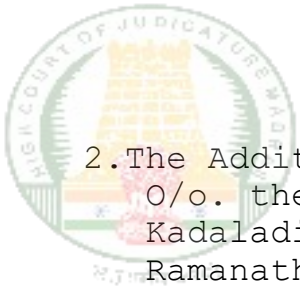
Assistant Registrar (AD-II)

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Sub Assistant Registrar (CS)

To

1. The District Elementary Educational Officer,
O/o. The District Elementary Educational Office,
Ramanathapuram.



2.The Additional Assistant Elementary Educational Officer,
O/o. the Additional Assistant Elementary Educational Office,
Kadaladi,
Ramanathapuram District.

WEB COPY

+1 CC to MR.S.C. HEROLD SINGH, Advocate (SR-82735[F] dated
21/08/2019)
+1 CC to M/s.T. LAJA PATHI ROY, Advocate (SR-83028[F] dated
22/08/2019)
+1 CC to SPL GP (SR-83161[F] dated 22/08/2019)

W.P.(MD)No.8431 of 2017
21.08.2019

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MK (17.09.2019) 3P 6C