



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.27169 of 2019

and

W.M.P. (MD) .No.23479 of 2019

WEB COPY

R.Russel Raj

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Secretary,
Department of Higher Education,
Fort St. George, Chennai - 600 009.

2.The Director of Collegiate Education,
College Road, Chennai - 600 006.

3.The Principal,
Government Arts College,
Melur - 625 106,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 05.12.2019 seeking to review the petitioner's suspension from service in the post of Associate Professor (History) in the third respondent college within a reasonable time.

For petitioner : Mr.K.Ragatheesh Kumar

For respondents : Mr.R.Sethuraman,

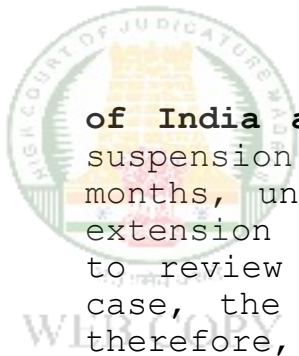
Addl. Government Pleader

ORDER

This writ petition has been filed by the petitioner for a direction to the first respondent to review his suspension order by considering his representation dated 05.12.2019 within a stipulated time.

2. Heard the learned counsel for both sides. By consent, the writ petition itself is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he was appointed as Lecturer (now redesignated as Assistant Professor) on 15.10.1998. While he was working as Associate Professor on 04.08.2019, he was trapped by a Vigilance and Anti-Corruption Team, based on the complaint given by the husband of a student, as if he has taken bribe. Thereafter, he was arrested and released on bail on 28.08.2019. While so, the 2nd respondent by his suspension order dated 03.10.2019, suspended the petitioner from the date of arrest ie., from 04.08.2019. The grievance of the petitioner is that as per the decision of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union**



of India and another, reported in **(2015) 7 SCC 291**, no order of suspension shall be continued beyond the statutory period of four months, unless some specific order assigning sufficient reason for extension of suspension period is passed and the employer is bound to review the order of suspension periodically. In the instant case, the period of four months expired on 03.12.2019 itself and therefore, the petitioner submitted his representation to review his suspension on 05.12.2019 itself. As it has not been considered by the first respondent till date, the petitioner has come up with this writ petition.

4. The learned Additional Government Pleader appearing for the respondents submitted that the representation of the petitioner dated 05.12.2019 will be considered by the first and second respondents as early as possible.

5. Considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the first and second respondents to consider the representation of the petitioner dated 05.12.2019, in the light of the decision of the Hon'ble Supreme Court in Ajay Kumar Choudhary case (cited supra), within a period of six weeks from the date of receipt of a copy of this order.

6. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

gcg

To

- 1.The Secretary,
Department of Higher Education,
Fort St. George, Chennai - 600 009.
- 2.The Director of Collegiate Education,
College Road, Chennai - 600 006.
- 3.The Principal,
Government Arts College,
Melur - 625 106, Madurai District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-106264[F]

+1 CC to M/s.SPL.GP (SR-106489[F] dated 27/12/2019)

W.P (MD) No.27169 of 2019
20.12.2019

SMA/03/01/2020/2P/6C

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