



WEB COPY

W.P.(MD)No.8857 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.8857 of 2020

and

W.M.P. (MD) No.8117 of 2020

S.Murugan

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o.the Chief Educational Office,
Dindigul District.

2.The District Educational Officer,
O/o.the District Educational Officer,
Palani, Dindigul District.

3.The Block Educational Officer,
O/o.the Block Educational Office,
Oddanchathram, Dindigul District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings R.C.No.5667/A3/2019 dated 11.01.2020 and quash the same as illegal.

For Petitioner : Mr.M.Mohammed Imran for
M/s.Ajmal Associates

For Respondents : Mr.A.Thiyagarajan, G.A.

ORDER

The prayer sought for in this writ petition is for a writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings R.C.No.5667/A3/2019 dated 11.01.2020 and quash the same.

2.The petitioner was a school Headmaster, against whom, a complaint has been made as if he misbehaved with 5th standard student in the school campus and based on which, an enquiry seems to have been conducted by the Enquiry Officer and accordingly, based on the report given by the Enquiry Officer dated 10.01.2020, a case has been registered against the petitioner under POCSO Act, with the result, he has been arrested and therefore, on the basis of the said criminal case filed against the petitioner as has been arrested and

<https://www.mca21.com/cases>



respondents, by the impugned order of suspension dated 11.01.2020, has placed the petitioner under suspension with effect from 11.01.2020 until further orders.

3.Challenging the said order, though this writ petition has been filed, Mr.M.Mohammed Imran, learned counsel appearing for the petitioner would submit that, the petitioner is confined with the prayer only to seek a mandamus by way of direction to the respondents to consider his request by way of representation submitted to the respondents on 11.03.2020 and accordingly, if the respondents are directed to review the suspension, which is according to him is a prolonged one from 11.01.2020 and an order to that effect is passed within a time frame, the petitioner would be satisfied.

4.Heard the learned Government Advocate appearing for the respondents, who would submit that, apart from the pendency of the criminal case, the respondent department decided to take a disciplinary proceedings against the petitioner, accordingly, within two weeks period, a charge memo would be issued to the petitioner, pursuant to which, after adopting necessary procedure in this regard, disciplinary proceedings would be conducted within a period of three months thereafter, if the petitioner gives fullest cooperation for the same and accordingly, a decision would be taken depending upon the outcome of the disciplinary proceedings as to whether the petitioner can be further continued to be kept under suspension or not. Therefore, immediate review may not be required in the interest of justice.

5.I have considered the submissions made by the learned counsel appearing for the petitioner as well as the learned Government Advocate and perused the materials placed before this Court.

6.Though the petitioner has been placed under suspension, pursuant to a criminal case, where, a grave charge seems to have been made against the petitioner, it is still in the investigation stage and charge sheet is yet to be filed. Unmindful of the same, now, the respondents decided to initiate disciplinary proceedings against the petitioner. Accordingly, they are almost ready with charge memo and that would be served on the petitioner within two weeks period as stated by the learned Government Advocate appearing for the respondents.

7.When that being so, taking into account all these developments, this Court is inclined to dispose of this writ petition with the following direction:

"The respondents shall issue charge memo to the petitioner, within a period of two weeks from the date



of receipt of a copy of this order and on receipt of the same, it is open to the petitioner to give his explanation, further, on receipt of the explanation, if the respondents are not satisfied with the same, they can proceed with the enquiry and at any rate, the disciplinary proceedings shall be concluded within a period of three months thereafter. It is needless to mention that, the petitioner shall give his fullest cooperation to complete the enquiry within the time stipulated above. On completion of the disciplinary proceedings, depending upon the outcome of such proceedings, the respondents shall decide as to whether the petitioner can further be kept under suspension or not. Therefore, the review of the impugned suspension order may not arise as of now, that would be depending upon the outcome of the disciplinary proceedings as indicated above. It is further made clear that, if the disciplinary proceedings is not completed, for which the reason is not attributable on the petitioner, within the time stipulated above, the respondents shall consider and review the impugned suspension order as to whether it is necessary or not."

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chief Educational Officer,
O/o. the Chief Educational Office,
Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Educational Officer,
O/o.the District Educational Officer,
Palani, Dindigul District.

3.The Block Educational Officer,
O/o.the Block Educational Office,
Oddanchathram, Dindigul District.

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VB (09.09.2020) 4P 4C