



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.4853 of 2019

and

W.M.P (MD) Nos.3865 and 3866 of 2019

WEB COPY

K.Tamilselvi

... Petitioner

/vs./

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-6.

2.The District Elementary Educational Officer,
District Elementary Educational Office,
Old Collectorate Road,
Thanjavur.

... Respondents

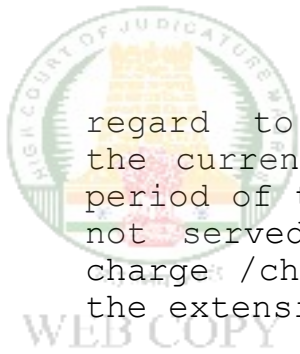
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari, to call for the records of the first respondent vide his proceedings R.C.No.007611/12/2018-1 dated 29.04.2018 and quash the same and consequently quash the first respondent order R.C.No.017611/12/2018 dated 11.01.2019.

For Petitioner	: Mr.K.C.Maniyarasu
For Respondents	: Mr.A.Thiyagarajan, Government Advocate.

ORDER

Pending enquiry into grave charges against the petitioner herein, she was placed under suspension, vide the impugned order dated 29.04.2018. Challenging the suspension, the petitioner had given a representation dated 03.06.2018 seeking for revocation of suspension and that the said representation was not considered, a writ petition came to be filed by her in W.P(MD) No.15682 of 2018 and this Court by an order dated 20.07.2018, had directed the first respondent to consider the representation given by the petitioner. While the aforesaid writ petition was taken up for consideration, the learned counsel for the petitioner therein had relied upon the decision of the Hon'ble Apex Court in the dictum laid down in **Ajay Kumar Chowdery Vs. Union of India** reported in 2015 (7) SCC 291. Pursuant to the order of this Court dated 20.07.2018, the present impugned order has been passed, rejecting the petitioner's representation on the ground that the criminal proceedings initiated against the petitioner is still pending.

2.The Hon'ble Apex Court in the aforesaid decision in **Ajay Kumar Chowdery's case (supra)** had laid down guidelines with
<https://hcservices.ecourts.gov.in/hcservices/>



regard to the prolonged suspension in which it was stipulated that the currency of the suspension order should not extend beyond the period of three months, if the memorandum of charge/ charge sheet is not served on the delinquent officer and in case memorandum of charge /charge sheet is served, reasoned order must be passed for the extension of the suspension.

3.In the instant case, though the impugned suspension order was passed on 29.04.2018, the guidelines stipulated under **Ajay Kumar Chowdery' case (supra)** has not been followed and there is no reasoned order on the part of the respondents with regard to the extension of the suspension order. In view of the guidelines stipulated by the Hon'ble Apex Court, this Court is of the view that the impugned suspension order cannot be sustained any further.

4.In the light of the above observations, the impugned order in R.C.No.007611/12/2018-1 dated 29.04.2018 and the consequent order in R.C.No.17611/12/2018 dated 11.01.2019 passed by the first respondent are set aside. Consequently, the respondents shall reinstate the petitioner back into service atleast within a period of one week from the date of receipt of a copy of this order. This Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp
To:-

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-6.
- 2.The District Elementary Educational Officer,
District Elementary Educational Office,
Old Collectorate Road, Thanjavur.

+1 CC to M/s.K.C.MANIYARASU, Advocate (SR-2689[F]
+1 CC to M/s.SPL.GP (SR-3129[F] dated 27/01/2020)

Order made in

W.P.(MD) No.4853 of 2019 and
W.M.P(MD) Nos.3865 and 3866 of 2019

SMA/12/02/2020/2P/5C