



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD)No.22577 of 2019

and

W.M.P. (MD)Nos.19342 and 19396 of 2019

K.Rajaram

... Petitioner

Vs

1.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

2.The District Elementary Educational Officer,
Thenkasi,
Tirunelveli District.

3.The Block Educational Officer,
Shenkottai Educational Circle,
Shenkottai,
Tirunelveli District.

4.The Headmaster,
Joy Primary School,
Semboor, Kilangadu - 627 852,
Tirunelveli District.

5.The Manager / Secretary,
Joy Primary School,
Semboor, Kilangadu - 627 852,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order of suspension passed by the 5th respondent herein dated 11.10.2019 and quash the same and consequently direct the respondent herein to allow the petitioner for rejoining duty as a Secondary Grade Teacher in the 4th and 5th respondents school.

For Petitioner : Ms.M.Geetha R.Diwakaran

For Respondents : Mr.A.Thiyagarajan,
Government Advocate for R1 to R3.
Mr.K.K.Kannan for R4 and R5.



ORDER

This writ petition has been filed to quash the impugned order dated 11.10.2019 passed by the 5th respondent and to direct the respondents 1 to 3 to allow the petitioner to join duty in the 4th and 5th respondents school as Secondary Grade Teacher.

2. When the matter was taken up for hearing on 09.12.2020, detailed arguments were made by the learned counsel on either side. After hearing the arguments, when this Court about to pass the order, the learned counsel appearing for the fourth and fifth respondents submitted that they are ready to allow the petitioner to join the duty and do the work.

3. In the present case, the petitioner was initially suspended from service vide order dated 11.10.2019 by the fifth respondent for a period of two months. The fifth respondent should get the approval from the second respondent for extending the suspension period. In the meantime, the fifth respondent passed an order by dismissing the petitioner from service after conducting enquiry. When the fifth respondent approached the second respondent for extension of suspension period, the second respondent rejected the same vide order dated 28.02.2020. After expiry of the period of two months, the petitioner approached the fifth respondent to join duty. The fifth respondent refused the petitioner to join duty. Therefore, this Court suggested and advised the fourth and fifth respondents to allow the petitioner to join him in duty. As per the suggestion of this Court, learned counsel appearing for the petitioner as well the fourth and fifth respondents submitted that the petitioner joined duty.

4. At this juncture, the learned counsel appearing for the petitioner submitted that the petitioner is entitled for substantial relief. This Court is of the opinion that the petitioner was suspended only for a period of two months and thereafter, he was not allowed to work. In these circumstances, this Court is of the view that the petitioner is entitled for salary as usual. If any Rules or Law prohibiting the petitioner to get his salary, the petitioner is at liberty to workout his remedy in the manner known to law.

5. With these observations, the writ petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

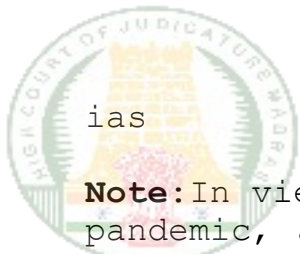
Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



ias

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,
Tirunelveli, Tirunelveli District.
- 2.The District Elementary Educational Officer,
Thenkasi,
Tirunelveli District.
- 3.The Block Educational Officer,
Shenkottai Educational Circle,
Shenkottai,
Tirunelveli District.

+1 CC to Mr.K.K.KANNAN, Advocate SR.No.25482

+1 CC to Mr.D.GEETHA, Advocate SR.No. 25791

W.P. (MD)No.22577 of 2019

14.12.2020

—
ES (CO)

TR(07.01.2021) 3P 6C