

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3692 OF 2020

Dated:03.03.2020

Between:

Bhukya Srinivas

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, School Education
Department, Secretariat, Hyderabad
and others

.. Respondents



This Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Heard learned counsel for the petitioner and Sri N. Bhupal Reddy, learned standing counsel for the Telangana Residential Educational Institutions Society (TREIS) appearing for respondents 1 to 3.

2. Petitioner is working as Principal in the Telangana Residential Educational Institutions Society. In this writ petition, petitioner is challenging the order of suspension from service made by the Secretary of the Society dated 14.02.2020.

3. According to learned counsel for the petitioner, a false complaint was lodged by Smt. Mudavath Sunitha, W/o. Shankar, working as Staff Nurse in Telangana State Residential School and Junior College for Boys at Madnoor. Based on the perfunctory complaint, petitioner was placed under suspension, which is unwarranted. In fact, the complaint of Smt. Mudavath Sunitha is not valid. There were several complaints against her by the students and other employees and based on the complaint of such person, petitioner could not have been placed under suspension. He also submitted that there was a preliminary enquiry conducted against the petitioner and a report was submitted on 03.02.2020 and in the said report, nothing was pointed out against the petitioner.

4. A reading of the order impugned would show that the disciplinary authority has taken notice of the complaint filed

against the petitioner and also considered the report submitted by the Collector and District Magistrate, dated 13.02.2020, to place the petitioner under suspension. Thus, it cannot be said that the suspension was resorted to on a mechanical manner and without application of mind. It was made based on the material placed before the disciplinary authority.

5. Learned counsel for the petitioner sought to contend that the said report is not valid and without following due process, disciplinary authority could not have placed the petitioner under suspension.

6. This contention cannot be appreciated, at this stage. Whether there is merit in the allegations made against the petitioner is a matter for the disciplinary authority to consider in appropriate disciplinary proceedings. For the purpose of placing an employee under suspension, the disciplinary authority is only required to consider a *prima facie* case of misconduct and that *prima facie* case is made out.

7. Copy of the report of the Revenue Divisional Officer, dated 13.02.2020, addressed to the Collector and Magistrate, Kamareddy, is placed before this Court. From this report, it is seen that the Revenue Divisional Officer interacted with four persons and three persons supported the version of Mudavath Sunitha. He also noted that even though the complainant attended to duty on 07.01.2020, absent was marked and students have unanimously opposed the behaviour of the petitioner. It appears, based on the complaint lodged in the Police Station at Madnoor, Crime No.17 of 2020 was registered on

03.02.2020. Therefore, it cannot be said that the suspension was resorted to without any justification for this Court to interfere, at this stage. However, it is always open to the petitioner to work out his remedies, if suspension is continued without undertaking review of the suspension and without taking further action as proposed in the order.

8. The Writ Petition is accordingly dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:03.03.2020

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P. NAVEEN RAO, J

