



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.12.2021**

CORAM

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P (MD)No.7916 of 2020**

**& WMP(MD)Nos.7383 to 7385 of 2020**

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Dr.J.Sureshkumar

... Petitioner

**Vs.**

1.The Chief Educational Officer,  
Kanyakumari District, Nagercoil.

2.The District Educational Officer,  
Nagercoil Educational District,  
Nagercoil Post, Kanyakumari District.

3.The Correspondent,  
Scott Christian Higher Secondary School,  
Nagercoil-629 001  
Kanyakumari District.

4.Thiru.Gospal Siromoni,  
Correspondent,  
Scott Christian Higher Secondary School,  
Nagercoil-629 001  
Kanyakumari District.

5.The Corporate Manager,  
CSI Corporate Schools,  
CSI Diocese of Kanyakumari,  
No.71-A, Dennis Street, Nagercoil-629 001,  
Kanyakumari District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned suspension order issued by the third respondent in proceedings Ref no.342/2019-20 dated 17.10.2019 and quash the same and consequently, direct the respondents to reinstate the petitioner in-service with all attendant and monetary and other benefits and treat the period of suspension as duty period.

|                 |   |                                                          |
|-----------------|---|----------------------------------------------------------|
| For Petitioner  | : | Mr.M.Saravana Kumar                                      |
| For Respondents | : | Mr.A.Kannan, AGP for RR1 & 2<br>Mr.F.Deepak, for RR3 & 4 |
| Fro R5          | : | No appearance                                            |



**ORDER**

Heard Mr.M.Saravana Kumar, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr. F.Deepak, learned counsel appearing for the respondents 3 &4.

2.This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records pertaining to the impugned suspension order issued by the third respondent in proceedings Ref no.342/2019-20 dated 17.10.2019, quash the same and consequently, direct the respondents to reinstate the petitioner in-service with all attendant and monetary and other benefits and treat the period of suspension as duty period.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

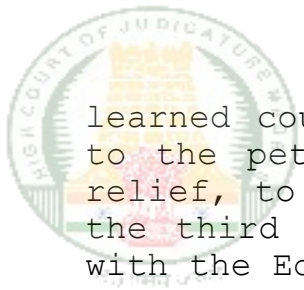
4.This Writ Petition is filed as against the order of suspension passed by the third respondent in proceedings Ref no.342/2019-20 dated 17.10.2019 and for a consequential direction to reinstate the petitioner in service with all attendant and monetary benefits and treat the period of suspension as duty period.

5.According to the petitioner, he is working as BT Assistant (Tamil) in the third respondent school from 2015 and the third respondent by the impugned proceedings, dated 17.10.2019 placed the petitioner under suspension since the petitioner was involved in a criminal case in Crime No.391 of 2019 on the file of the Karungal Police Station.

6.The learned counsel for the petitioner by relying on the provisions under Section 22(3B) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 submits that any order of suspension can survive only for a period of two months and thereafter, it could be extended for a period of an another two months with an approval of the competent authority. In this case, since the order of suspension dated 17.10.2019 was not revoked as per the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, the petitioner has approached this Court by way of the present Writ Petition.

7.The learned counsel appearing for the respondents 3 & 4 as well as the official respondents would fairly submit that any suspension as against the teachers in private schools can survive only for a period of two months but in this case, it has not been revoked and therefore, the petitioner is entitled for the relief as prayed for, as per the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973.

8.In so far as the second limb of prayer that the petitioner's suspension period is also to be treated as a period of service, the



learned counsel for the respondents submits that it is always open to the petitioner to make a representation in regard to the said relief, to the competent authority, namely the third respondent and the third respondent will take a decision on that in consultation with the Education Committee.

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9.The aforesaid submission of the learned counsel for the respondents is recorded.

10. In view of the provision under Section 22(3B) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, which specifically envisages that *no suspension shall remain in force for more than a period of two months from the date of suspension and if inquiry is not completed within that period, such teacher or other person shall, without prejudice to the inquiry, be deemed to have been restored as teacher or other employee*, the impugned order of suspension which admittedly, has not been revoked even after expiry of two months, the same cannot be survived beyond the period of two months.

11. Therefore, the Writ Petition is allowed and the impugned order of suspension in proceedings Ref no.342/2019-20 dated 17.10.2019 is set aside. It is always open to the petitioner to make a representation to the Education Committee to regularize the period of suspension as the period of service and the third respondent shall consider the same on receipt of such representation if any being made by the petitioner and take a decision within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

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,  
Kanyakumari District, Nagercoil.

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



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Kanyakumari District.

+1 CC to M/s.SPL GP ( SR-39251[F] dated 17/12/2021 )

+1 CC to M/s.M.SARAVANAKUMAR, Advocate ( SR-39206[F] dated  
17/12/2021 )

+1 CC to M/s.F.DEEPAK, Advocate ( SR-39103[F] dated 16/12/2021 )

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RK(19/01/2021) 4P 8C