



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.14850 of 2021

S.Joshva Jeyaseelan

... Petitioner

Vs.

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

2.The District Educational Officer,
Palani,
Dindigul District.

3.The Headmaster,
Government High School,
Manoor, Palani Taluk,
Dindigul District.

4.The Senior Audit Officer,
Lekha Pariksha Bhavan,
AG's Avenue, Press Colony,
Opp. to Mattuthavani Bus Stand,
Madurai - 625 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 4 to regularize the period of suspension from 04.04.2017 to 10.10.2018 and to extend arrears of salary, special provident fund and other monetary benefits by considering the petitioner's representation dated 23.11.2020.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.S.Shanmugavel,
Standing Counsel

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents 1 and 4 to regularize the period of suspension from 04.04.2017 to 10.10.2018 and to extend



arrears of salary, special provident fund and other monetary benefits by considering the petitioner's representation dated 23.11.2020.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

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

4. According to the petitioner, the petitioner was suspended on 05.04.2017 for involvement in a criminal case in Crime no.78 of 2017 under Sections 5(c), 5(f) and 6 of the Protection of Children from Sexual Offences Act, 2012 on the file of the Keeranur Police Station. The said criminal case was ended in acquittal in S.S.C.No.12 of 2018 by the Mahila Fast Track Court, Dindigul. Based on the said judgment, the first respondent vide order dated 05.10.2018, revoked the suspension and reinstated the petitioner into service. The petitioner was joined in the third respondent school and now, after attaining the age of superannuation, he retired from service on 29.02.2020. Now, the petitioner has seeking for regularisation of his services, during the period, he was suspended from service. In this regard, he made a representation to the third respondent on 23.11.2020 requesting to settle his retirement benefits. However, no orders have been passed by the respondents. Therefore, the petitioner has come forward before this Court with the present writ petition.

5. The learned Standing Counsel appearing for the respondents would submit that petitioner's representation would be considered and appropriate orders will be passed in accordance with law.

6. Considering the submissions made by the learned counsel on either side, and also considering the limited scope of prayer as sought by the petitioner, without expressing any opinion on merit, this Court directs the respondents to consider the petitioner's representations dated 23.11.2020 on merits and pass an appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and the decision taken shall be communicated to the petitioner.

7. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

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,
Dindigul District,
Dindigul.
- 2.The District Educational Officer,
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Dindigul District.
- 3.The Headmaster,
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+1 CC to M/s.GP (SR-26901[F] dated 23/08/2021)

W.P (MD) No.14850 of 2021
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MGJ(01.09.2021) 3P 6C