



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.18624 of 2021

and

W.M.P(MD)No.15358 of 2021

P.Subramaniyan

... Petitioner

Vs.

1.The Commissioner,
School Education Department,
DPI Complex,
College Road,
Chennai - 6.

2.The Chief Educational Officer,
O/o, the Chief Educational Office,
Theni District.

3.The District Educational Officer,
O/o, the District Educational Officer,
Theni,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to revoke the order of suspension issued by the 2nd respondent vide his proceedings R.C.No.1369/A3/2021 dated 01.03.2021 by invoking Rule 17(e)(6) of the Tamil Nadu Civil Services (D & A) Rules, 1955 and consequentially to direct the 2nd respondent to disburse the subsistence allowance payable to the petitioner and by considering the petitioner's representation dated 17.09.2021.

For Petitioner : Mr.H.Mohammed Imran for
M/s.Ajmal Associates

For Respondents : Mr.S.Shanmugavel,
Standing Counsel for State.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 2nd respondent to revoke the order of suspension issued by the 2nd respondent vide his proceedings R.C.No.1369/A3/2021 dated 01.03.2021 by invoking Rule 17(e)(6) of the Tamil Nadu Civil Services (D & A) Rules, 1955 and consequentially to direct the 2nd respondent to disburse the



subsistence allowance payable to the petitioner and by considering the petitioner's representation dated 17.09.2021.

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

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

4. The petitioner, while working as B.T.Assistant in Government Higher Secondary School, Kottur, Theni District, vide proceedings dated 01.03.2021, the 2nd respondent placed him under suspension on the allegation that he misbehaved with girl students in the school campus and subsequently, he was issued with charge memo and also a criminal case was registered against him. The grievance of the petitioner is that he was placed under suspension from 1.3.2021 and even after 6 months also, he was not reinstated. Hence, he made a representation on 17.09.2021 to the 2nd respondent to revoke the suspension and reinstate him since due to suspension, his livelihood has been affected as no subsistence allowance was also paid. Hence the Writ Petition.

5.The learned Standing counsel would submit that the representation of the petitioner would be considered in accordance with law if it is otherwise in order.

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 merits, this Court directs the 2nd respondent to dispose of the representation made by the petitioner dated 17.09.2021 in accordance with law and on merits and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// 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 Commissioner,
School Education Department,
DPI Complex,
College Road,
Chennai - 6.
- 2.The Chief Educational Officer,
O/o, the Chief Educational Office,
Theni District.
- 3.The District Educational Officer,
O/o, the District Educational Officer,
Theni,
Theni District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-32116[F] dated 21/10/2021)

+1 CC to M/s.SPL.GP (SR-32068[F] dated 21/10/2021)

W.P (MD) No.18624 of 2021
and

W.M.P (MD) No.15358 of 2021
20.10.2021

MA (CO)
KB(12.11.2021) 3P 6C