



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.14032 of 2016

and

W.M.P. (MD) .Nos.10415 and 11529 of 2016

Ravindran

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Theni District, Theni.

2.Mr.Venkatachalam, I.A.S.,
The District Collector,
Theni District,
Theni.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order of suspension issued by the first respondent in his proceedings in R.C.No.1939/A5/2016, dated 25.07.2016 and quash the same and consequently direct the first respondent to regularise the services of the petitioner with all attendant monetary benefits.

For Petitioner : Mr.C.Jeganathan

For R1 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For R2 : No appearance

O R D E R

This writ petition has been filed challenging the order of suspension issued by the first respondent in his proceedings in R.C.No.1939/A5/2016, dated 25.07.2016 and to quash the same and consequently direct the first respondent to regularise the service of the petitioner with all attendant monetary benefits.

2. The case of the petitioner is that he was appointed as Secondary Grade Teacher through employment exchange on 18.08.2004 at Paruveeth Panchayat Union Primary School, Soolakiri Union, Krishnagiri District. Thereafter, he was transferred to Theni District and posted at Government Middle School, Nariyuthu, Kadamalai Mylai Panchayat Union, Theni District. While he was



case was registered against him as if the petitioner has threatened the Revenue Assistant for not transferring the Patta in his name and also prevented him to discharge his official duty. Based on the criminal case, the petitioner was placed under suspension under Sub Rule (e) of the Rule 17 of Tamil Nadu Civil Services (D&A) Rules. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the allegation against the petitioner as if he threatened the Revenue Assistant and also prevented him to discharge his official duty, it is the personal dispute between the petitioner and the Revenue Assistant and nothing to do with the official contact. He would further submit that this Court has granted interim stay and by virtue of the interim order, the petitioner continued as a Secondary Grade Teacher and thereafter, an enquiry was conducted and based on the enquiry report, the Law Enforcing Agency has closed the criminal case as "Mistake of Fact".

4. The learned Additional Government Pleader appearing for the first respondent did not dispute the fact submitted by the learned counsel for the petitioner.

5. It is an admitted fact that the petitioner was placed under suspension on the ground that he was involved in a criminal case and subsequently, the criminal case was closed as "Mistake of Fact" and till date no charge memo was issued against him and by virtue of the interim order, the petitioner continued in the said post. Hence, this Writ Petition is allowed and the order of suspension issued by the first respondent, dated 25.07.2016 is set aside. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

To

1.The District Elementary Educational Officer,
Theni District, Theni.



2.Mr.Venkatachalam, I.A.S.,
The District Collector,
Theni District, Theni.

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+1 CC to M/s.R.R.KANNAN, Advocate (SR-4534[F] dated 11/02/2021)

+1 CC to M/s.GP (SR-4953[F] dated 15/02/2021)

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11.02.2021

SSS (CO)

TR(24.02.2021) 3P 5C