



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2021

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

W.P. (MD)No.22245 of 2016

and

WM.P. (MD) .Nos.15930 and 15931 of 2016

D.Iruthayasamy

... Petitioner

Vs.

1.The District Elementary Educational Officer,
O/o.District Elementary Education,
Dindigul.

2.The Additional Assistant Elementary Officer,
O/o. Assistant Elementary Education,
Kodaikanal,
Dindigul District.

... 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 of the 1st Respondent in his proceedings in R.C.No. 5312/A1/2012 dated 14.12.2012 and quash the same and consequently directing the Respondents herein to regularise the petitioner's suspension period from 21.11.2012 with all other attendant benefits.

For Petitioner : Mr.G.Thalaimutharasu
for Mr.D.Srinivasaragavan

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

O R D E R

This writ petition has been filed against the proceedings of the first respondent dated 14.12.2012 and further for a direction to the respondents to regularise the suspension period from 21.11.2012 with other attendant benefits.

2. The case of the petitioner is that the petitioner was working as Secondary Grade Teacher at Panchayat Union Middle School, Mangalamkobu, Kodaikanal Union. While he was in service, at the instigation of the petitioner's wife, a criminal case was initiated against the petitioner by the Inspector of Police, All Women Police Station, Theni in Crime No.50 of 2011 for the offences under Sections 420, 463, 494 and 109 IPC. A communication was sent to the



first respondent with regard to the criminal case, due to which the petitioner was placed under suspension on 14.12.2012 by the first respondent. Thereafter, the Law Enforcing Agency conducted investigation and filed charge sheet and thereafter the criminal case ended in acquittal on 01.06.2015. Though the petitioner sent representations dated 26.06.2015 and 06.10.2016 respectively, to revoke the order of suspension based on the criminal Court judgment, the respondents did not take considered his representation. Hence, this writ petition.

3. The learned counsel for the petitioner would submit that it would be suffice, if a direction is issued to the respondents to consider his representation within a reasonable time as fixed by this Court.

4. The learned Additional Government Pleader has no serious objection for consideration of the representation.

5. Considering the facts and circumstances of the case, without going to the merits of the case, this Court is inclined to direct the respondents to consider the petitioner's representations. Accordingly, the petitioner is permitted to make a fresh representation in this regard to the first respondent along with the criminal Court's judgment and a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the first respondent shall consider the petitioner's representation and pass appropriate orders in accordance with law, within a period of two weeks thereafter, if there is no legal impediment to do so.

6. With the above directions, this Writ Petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 District Elementary Educational Officer,
O/o.District Elementary Education,
Dindigul.

2.The Additional Assistant Elementary Officer,
O/o. Assistant Elementary Education,
Kodaikanal,
Dindigul District.

+1 CC to SPL GP (SR-5673[F] dated 17/02/2021)

W.P. (MD) .No.22245 of 2016

16.02.2021

(SO)
KV(26.02.2021) 3P 4C