



WEB COPY



W.P.No.3435 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.12.2022

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.No.3435 of 2022
and W.M.P.No.3553 of 2022

N.Selvam

.. Petitioner

VS

- 1.The Chief Educational Officer,
Cuddalore – 607 001.
- 2.The District Educational Officer,
Cuddalore – 607 001.
- 3.The Chairman, Education Board,
Arcot Lutheran Church,
Central Office, Cuddalore – 607 001.
- 4.The Secretary, Church Board,
Arcot Lutheran Church,
Central Office, Cuddalore – 607 001.
- 5.The Headmaster,
Danish Mission Higher Secondary School,
Nellikuppam – 607 105.
Panruti Taluk, Cuddalore District.
- 6.R.Anand Baskaran
The Headmaster,
Danish Mission Higher Secondary School,
Nellikuppam – 607 105.
Panruti Taluk, Cuddalore District.

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records and quash the impugned order dated 18.01.2022 passed by the fourth respondent in S/209/2019-2022 as being arbitrary, illegal, malicious, null and void and without jurisdiction.

For Petitioner	:	Ms.T.Malarmagal for Mr.D.Baskar
For Respondents	:	Mr.Stalin Abimanyu Additional Government Pleader for R1 to R3 Mr.Srinath Sridevan for R4 Mr.S.Rajmakesh for R5 & R6

ORDER

This writ petition has been filed challenging the suspension order dated 18.01.2022 issued to the petitioner.

2. The petitioner has raised several grounds in this writ petition and has also raised a ground that the fourth respondent does not have jurisdiction or authority under law to issue the suspension order. The petitioner also contends that ever since the suspension order, he has not been paid the subsistence allowance. Till date,



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counter affidavits have not been filed by the respective respondents.

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3. No prejudice would be caused to any of the parties if the petitioner is allowed to give a representation seeking for revocation of the suspension order and the same is considered on merits and in accordance with law within a time frame that may be fixed by this Court. However, the fourth respondent will have to pay the subsistence allowance to the petitioner in case the same has not been paid till date ever since the date of impugned suspension order.

4. For the foregoing reasons, the petitioner is directed to give a fresh representation to the fourth respondent requesting the fourth respondent to revoke the impugned suspension order dated 18.01.2022 and in the very same representation, the petitioner is also permitted to make a request for payment of his subsistence allowance ever since the date of the impugned suspension order within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the fourth respondent shall pass final orders on merits and in accordance with law within a period of eight weeks thereafter. However, it is made clear that the fourth respondent will have to pay the subsistence allowance to the



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petitioner if the same has not been paid to him from the date of the impugned suspension order.

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

16.12.2022

Index:Yes/No
mmi

To

- 1.The Chief Educational Officer,
Cuddalore – 607 001.
- 2.The District Educational Officer,
Cuddalore – 607 001.



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ABDUL QUDDHOSE,J.

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