



WP(MD)No.14799 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14799 of 2022

P.Vijay

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Education Officer,
Madurai Corporation,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to revoke the suspension of the petitioner by considering the representation of the petitioner dated 25.03.2022.



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For Petitioner : Mr.T.Aswin Rajasimman
for Mr.T.Lajapathi Roy
For Respondents : Mr.K.K.Kannan,
Standing Counsel

ORDER

This writ petition has been filed seeking a writ of Mandamus to direct the first respondent to revoke the suspension of the petitioner by considering the representation of the petitioner, dated 25.03.2022.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in Crime No.376 of 2021 for the offence under Sections 8, 11(i), 12, 17, 21(2) of POCSO Act, 2012. On the basis of registration of FIR, the petitioner was suspended from service stating that Criminal case was registered against him. The complaint is a false one and therefore, he filed CrI.O.P.(MD) No.350 of 2022 before this Court for quashing the FIR. During the hearing, it was brought to the notice of the Court that in 164 Cr.P.C. statement given by the victim, she has completely absolved that the petitioner of any wrong doing. She also



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given her statement in writing to the Education Department that it was her father, who had given the complaint under a mistaken impression. Her father also appeared before the Court and informed the Court that he was under the impression that the petitioner had exchanged obscene photographs with his daughter. Therefore, he gave complaint. Taking note of the entire factual circumstances, this Court quashed the FIR.

3. It is further submitted by the learned counsel for the petitioner that, as of now there is no criminal case pending against the petitioner. In the said circumstances, continuance of the suspension order is unjust. In this regard, he submitted a representation to the respondents, dated 25.03.2022 to revoke the suspension and for reinstatement.

4. Mr.K.K.Kannan, learned Standing Counsel takes notice for the respondents. It is submitted by the learned standing counsel for the respondents that the oral enquiry is completed and report is awaited. Once the report is received, appropriate orders will be passed.



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5. Considering the factual situation and the criminal case against the petitioner was quashed and that the oral enquiry in departmental proceedings is over and is pending for receipt of enquiry report, this Court directs the first respondent to consider the petitioner's representation, dated 25.03.2022, and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of.

No costs.

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Index : Yes / No
Internet : Yes / No
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G.CHANDRASEKHARAN, J.

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