



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 30.11.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.25911 of 2022 and**  
**W.M.P.(MD)Nos.20042 to 20044 of 2022**

Habeeb Mohamed

... Petitioner

Vs.

1. The Chief Educational Officer,  
O/o.The Chief Educational Officer,  
Collectorate,  
Ramanathapuram District.
2. The District Educational Officer,  
O/o.The District Educational Officer,  
Paramakudi,  
Ramanathapuram District.
3. The Correspondent,  
Pallivasal Higher Secondary School,  
Muthukulathoor,  
Ramanathapuram 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 impugned suspension order in unnumbered letter dated 23.06.2021 issued by the respondent No.3 against the petitioner and quash the same as illegal and further direct the respondent No.3 to allow the petition to continue his service.



For Petitioner : Mr.S.M.A.Jinnah

For R-1 & R-2 : Mr.S.Shaji Bino,  
Special Government Pleader.

For R-3 : Mr.T.Thirumurugan

\* \* \*

### **ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 and 2 and the learned counsel appearing for the third respondent.

2. The writ petitioner is employed as P.G.Assistant in the third respondent school. It is a minority institution. It is receiving aid from the Government. The petitioner was implicated in a criminal case in Crime No.242 of 2021 registered on the file of Mudukulathur police station under the provisions of Protection of Child from Sexual Offences Act, Juvenile Justice (Care and Protection of Children) Act and Information Technology Act. He was suspended on 23.06.2021



and Tamil Nadu Act 14 of 1982 was also invoked against him.

The detention order was quashed only on 22.02.2022.

Obviously, the petitioner cannot expect payment of salary for this period. The petitioner was suspended from service on 23.06.2021. Section 22 of the Tamil Nadu Recognised Private Schools Regulation Act, 1973 is as follows:-

**“22. Dismissal, removal or reduction in rank or suspension of Teachers or other persons employed in private schools. -**

(1) Subject to any rule that may be made in this behalf, no teacher or other person employed in any private school shall be dismissed, removed, or reduced in rank nor shall his appointment be otherwise terminated except with the prior approval of the competent authority.

(2) Where the proposal to dismiss, remove or reduce in rank or otherwise terminate the appointment of any teacher or other person employed in any private school is



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communicated to the competent authority, that authority shall, if it is satisfied that there are adequate and reasonable grounds for such proposal, approve such dismissal, removal, reduction in rank or termination of appointment.

(3) (a) No teacher or other person employed in any private school shall be placed under suspension, except when an inquiry into the gross misconduct, within the meaning of the Code of Conduct prescribed under sub-section (1) of section 21, of such teacher or other person is contemplated.

(b) No such suspension shall remain in force for more than a period of two months from the date of suspension and if such inquiry is not completed within that period, such teacher or other person shall, without prejudice to the inquiry, be deemed to have been restored as teacher or other employee:



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Provided that the competent authority may, for reasons to be recorded in writing, extend the said period of two months, for a further period not exceeding two months, if in the opinion of such competent authority, the inquiry could not be completed within the said period of two months for reasons directly attributable to such teacher or other person.”

3. The statutory mandate is that at the end of four months period, the teacher concerned is deemed to have been re-instated. But considering the special facts and circumstances of this case, four months period will start operating only with effect from 22.02.2022. In other words, the petitioner is deemed to have been re-instated with effect from 22.06.2022. The management however has not re-instated him.

4. The petitioner is directed to report for duty. The management is obliged to pay full salary to the petitioner with effect from 22.06.2022. The management has to pay



subsistence allowance to the petitioner with effect from 22.02.2022 to 21.06.2022. These arrears will be paid within a period of six weeks from the date of receipt of a copy of this order. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

**30.11.2022**

Index : Yes / No  
Internet : Yes/ No

PMU

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**G.R.SWAMINATHAN,J.**

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