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Writ Petition No.2193 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2193 of 2023

M.Anumuthuraj
S/o.Muniyappan

...Petitioner

Vs

1.The Chief Education Officer,
Veerappa Nagar,
Krishnagiri - 635 001.

2.The District Education Officer,
District Executive Officer,
Veerappa Nagar,
Krishnagiri - 635 001.

3.Head Mistress
GHSS, Mallapadi,
Krishnagiri - 635 001.

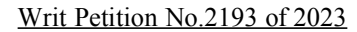
... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records vide Na.Ka.No.6388/B1/2022 dated 26.09.2022, which was issued by the first respondent Chief Education Officer and quash the same.

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.Ru.Dinesh Rajkumar

Additional Government Pleader [R1&R2]



This writ petition has been filed challenging the order of suspension issued by the first respondent through proceedings dated 26.09.2022.

2. The case of the petitioner is that he was working as a Post Graduate Teacher in the Government Higher Secondary School, Mallapadi at Krishnagiri District. An order of suspension came to be passed by the first respondent on 26.09.2022. Subsequently, a charge memo was also issued to the petitioner. The petitioner, on receipt of the charge memo, has also given his reply on 15.10.2022.

3. The grievance of the petitioner is that he has been falsely roped in a case, in which, he was not involved and the petitioner has suffered suspension for nearly five months and no steps have been taken to modify or revoke the order of suspension. It is further stated by the petitioner that already charge memo has been issued and reply has been given and hence, he must be given an opportunity to defend the charges.



4. Heard Mr.S.Natarajan, learned counsel for the petitioner and Mr.Ru.Dinesh Rajkumar, learned Additional Government Pleader, appearing for the respondents 1 and 2.

5. The petitioner has challenged the suspension order passed against him on 26.09.2022. This Court does not find any ground to interfere with the suspension order. However, the charge memo has already been issued and the petitioner has also given his reply. The petitioner has already been placed under suspension for nearly five months. Hence, the first respondent can be directed to consider modification or revocation of the order of suspension by issuing appropriate directions.

6. In the light of the above discussion, there shall be a direction to the petitioner to submit a representation before the first respondent seeking for revocation of the order of suspension dated 26.09.2022 and the same shall be dealt with by the first respondent on its own merits and in accordance with law and a decision shall be taken within a period of four (4) weeks from the date of receipt of a copy of the representation from the petitioner.



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N.ANAND VENKATESH, J

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7. Considering the fact that the petitioner has already given his explanation for the charge memo, the disciplinary proceedings shall also be completed by the first respondent within a period of three (3) months from the date of receipt of a copy of this order and final orders shall be passed.

Accordingly, this Writ Petition is disposed of with the above direction.

No costs.

31.01.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1.The Chief Education Officer,
Veerappa Nagar, Krishnagiri - 635 001.

2.The District Education Officer,
District Executive Officer,
Veerappa Nagar, Krishnagiri - 635 001.

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