



W.P.No.396 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.396 of 2023 and
W.M.P.No.359, 360 & 361 of 2023

K.S.Shisvakumar

... Petitioner

Versus

1.The Chief Educational Officer,
Erode, Erode District.

2.The District Educational Officer,
Perundurai,
Erode District.

3.The Head Master,
Government High School,
Singanallur,
Perundurai, Erode District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Certiorarified Mandamus after calling for the concerned records relating to the order No.R.C.No.10262/A4/2022 dated 29.12.2022 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to reinstate the petitioner in service with all consequential benefits.

For Petitioner :	Mr.M.Gnanasekar
For Respondents :	Mr.M.Alagu Gowtham, Government Advocate



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ORDER

This Writ Petition has been filed to call for the records relating to the order in R.C.No.10262/A4/2022, dated 29.12.2022 issued by the 1st respondent and quash the same and consequently, direct the 1st respondent to reinstate the petitioner in service with all consequential benefits.

2.It is the contention of the learned counsel for the petitioner that in the year 2019, the petitioner was placed under suspension and the same has been challenged before this Court in W.P.No.14718 of 2019 wherein this Court had granted stay, vide order, dated 09.08.2019 in W.M.P.No.14707 of 2019 in W.P.No.14718 of 2019. Pursuant to the order of this Court, the petitioner reinstated into the service on 19.08.2019 itself. Thereafter, on the similar charges, once again, the suspension order has been passed on 29.12.2022, which is put into challenge in this Writ Petition. It is brought to the notice of this Court though the disciplinary proceedings is commenced, the Headmaster, Government High School, Singanallur has not appeared despite receipt of notice, dated 21.02.2022. However, till today, the disciplinary proceedings has not been concluded. Hence, submitted that the impugned suspension order has been passed bypassing the order of this Court.



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3.The learned Government Advocate appearing for the respondents though raised various grounds in the counter, submitted that the disciplinary proceedings will be concluded, within a period of two weeks and suspension will also be reviewed based on the outcome of the enquiry.

4.On perusal of the records, it is seen that once again placing the petitioner on suspension, based on the charges which was issued against him in the year 2019, is not proper. It is to be noted that the suspension order issued earlier has already been stayed by this Court in W.M.P.No.14707 of 2019 in W.P.No.14718 of 2019, as a result, the petitioner reinstated into the service. This being the position, again supersede the petitioner on the similar charges, in fact, would amount to overcome the order of this Court, dated 09.08.2019.

5.In such view of the matter, the order of the suspension in R.C.No.10262/A4/2022, dated 29.12.2022 issued by the 1st respondent stands quashed. Accordingly, this Writ Petition is allowed. The 1st respondents are directed to conclude the disciplinary proceedings, within a



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month and take action as per law on the basis of the outcome of the findings of the enquiry officer. Consequently, the connected Miscellaneous Petitions are closed. No costs.

27.07.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

- 1.The Chief Educational Officer,
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- 3.The Head Master,
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N.SATHISH KUMAR, J.
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