



WEB COPY



W.P.No.16253 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.16253 of 2022

R.V.Balaji

...Petitioner

Vs

1. The Joint Director of School Education (Personal),
Directorate of School Education,
College Road, Chennai – 600 006.

2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Krishnagiri District.

3. The Block Educational Officer,
Office of the Block Educational Officer,
Kelamangalam, Krishngiri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, call for the records of the 1st respondent in R.C.No.31235/A3/S2/2020, dated 14.08.2020 and quash the same and consequently direct the 1st respondent to permit the petitioner to rejoin duty/service as Superintendent, Block Educational Office with all attendant/consequential benefits.

For Petitioner : Mr.P.Ganesan
For Respondent : Mr.M.Alagu Gowtham
Government Advocate



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mentioned therein and that the order of suspension should be analysed on the facts of each case, considering the gravity of charges and the Rules applicable. It was further held that the revocation of the suspension with a direction to the employer to post the delinquent in a non-sensitive post, as held in *Ajay Kumar Choudhary's case (supra)*, also cannot be endorsed or directed as a matter of course.

4. In line with the orders passed by the Hon'ble Supreme Court, as well as the Hon'ble Full Bench of this Court, the Government, in G.O.(Ms) No.81, Human Resources Management (N) Department, dated 04.08.2022, had stipulated a compendium of instructions for review of suspension orders in matter which are pending enquiry into grave charges.

5. On consideration of these instructions in G.O.(Ms) No.81, this Court is of the view that the first respondent herein could be directed to review the order of suspension, in accordance with the guidelines issued thereunder.

6. In the light of the above findings, there shall be a direction to the first respondent herein to consider the petitioner's representation



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dated 13.09.2021, seeking for revocation of the suspension order, in accordance with the instructions issued by the Government in G.O.(Ms).No.81, dated 04.08.2022, and pass appropriate orders, within a period of four weeks from the date of receipt of a copy this order.

7. Accordingly, the Writ Petition stands disposed of. No costs.

30.10.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

mp

To

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M.S.RAMESH,J.

mp

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