



W.P. No.34631 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.34631 of 2022

and

W.M.P. Nos.34075 and 34076 of 2022

S. Shanthi

.. Petitioner

vs.

1. State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort. St. George,
Secretariat,
Chennai - 600 009.

2. The Commissioner,
Commissionerate of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

3. The Joint Director of School Education (Personnel)
Office of Commissionerate of School Education,
DPI Campus,
College Road,
Chennai - 600 006.



W.P. No.34631 of 2022

4. The Assistant State Project Director,
Samagrha Shiksha Abiyan (SSA),
(Integrated School Education),
DPI Campus,
College Road,
Chennai - 600 006.

5. The Chief Educational Officer,
Salem District,
Salem - 636 001.

6. R. Murugan .. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 5th respondent in R.C. No.021353/B2/2022, dated 05.12.2022 and to quash the same and consequently to direct the respondents to reinstate the petitioner into service, with all consequential benefits.

For Petitioner : Mr.G. Sankaran

For Respondents : Mr.D. Ravichander,
Spl. Govt. Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

2. Mr.D. Ravichander, learned Special Government Pleader accepts



W.P. No.34631 of 2022

notice for the respondents 1 to 5.

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3. Heard Mr.G. Sankaran, learned counsel for the petitioner and Mr.D. Ravichander, learned Special Government Pleader for the respondents 1 to 5.

4. The petitioner has challenged the impugned suspension order dated 05.12.2022 issued by the 5th respondent to her on the following grounds :

a)The impugned order issued by the 5th respondent is ex-facie arbitrary, illegal and it has been passed as a measure of harassment against the petitioner as the petitioner is an office bearer of Teachers Association espousing the cause of BRTes, working in Salem District.

b) the petitioner has attended the training camp in G.H.S. Masinayakkanpatti on 03.12.2022 and while so, she received a phone call at 12.50 p.m. from her mother that her father suffered an heart attack and hospitalised in a critical condition and therefore, the petitioner was called to come over to the hospital. According to the petitioner, she made repeated phone calls to the Supervisor (In-charge) for intimation and



W.P. No.34631 of 2022

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conveyed the message for taking half a day leave to go over to the hospital to see her father, in the emergency situation. According to the petitioner the call log of the petitioner phone would disclose the repeated calls made by the petitioner to BRC Supervisor (In-charge) from 1.22 p.m. to 3.03 p.m. on 03.12.2022.

c) As per Rule 17(e) of Tamil Nadu Civil Services (Discipline and Appeal) rules, a Member of service may be placed under suspension from service, where

1) an enquiry into grave charges against him is contemplated or is pending under Rule 17(b) or

2) a complaint against him of any criminal offence is under investigation or trial and if such suspension is necessary in the public interest.

According to the petitioner in the absence of any of the aforementioned conditions, the order of suspension issued by the 5th respondent under Rule 17(e) is ex-facie, contrary to law and without jurisdiction.

5. The petitioner has also filed the call log particulars of the petitioner's phone in order to substantiate her claim that she had made



W.P. No.34631 of 2022

repeated calls to the Supervisor In-charge to intimate her about the petitioner's absence during the Afternoon session of that particular date.

The petitioner has also enclosed medical reports to substantiate her claim that her father was hospitalised and was in a critical condition.

6. The learned Special Government Pleader appearing for the respondents seeks time to get instructions with regard to the contentions of the petitioner and also seeks time to file a counter.

7. When the contentions of the petitioner has not been accepted by the respondents during the admission stage today, the only remedy that can be granted to the petitioner is to direct her to give a representation to the 3rd respondent requesting for revocation of the impugned suspension order stating the reasons which have been given in support of this writ petition and a direction is to be issued to the 3rd respondent to consider the same on merits and in accordance with law, within a time frame to be fixed by this Court.

8. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to submit a representation to the 3rd respondent requesting for revocation of the impugned suspension order dated 05.12.2022 stating the reasons that have been given in support of this writ



W.P. No.34631 of 2022

petition, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the 3rd respondent shall pass final orders on merits and in accordance with law, after giving due consideration to the contentions of the petitioner disclosed in her representation, within a period of six weeks, thereafter.

9. With the aforesaid directions, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

02.01.2023

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
Neutral citation case : Yes / No
vsi2

To :
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School Education Department,
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Secretariat,
Chennai - 600 009.

2. The Commissioner,
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W.P. No.34631 of 2022

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W.P. No.34631 of 2022

ABDUL QUDDHOSE, J.

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W.P. No.34631 of 2022

02.01.2023



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W.P. No.34631 of 2022