



W.P.(MD).No.6477 of 2023

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.6477 of 2023

and

W.M.P.(MD).No.6121 of 2023

R.Baskar

... Petitioner

Vs.

1.The Joint Director,
School Education Department,
DPI Complex, College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
Thanjavur District, Thanjavur.

3.The Headmaster (i/c),
Government High School, Sivaviduthi,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned order of suspension passed by him in his proceedings in RC.No.2671/B3/2022 dated 17.03.2023 and quash the both as illegal, arbitrary and passed with an



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malafide intention and consequently direct him to reinstate the petitioner in the third respondent School as BT Assistant (Physics) within the time limit that may be stipulated by this Court.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader.

ORDER

The present Writ Petition is filed challenging the suspension order.

2. In the earlier round of litigation, the petitioner had challenged the transfer order dated 19.01.2023 and this Court vide order dated 13.02.2023 quashed the transfer order and has granted liberty to the respondents to initiate disciplinary proceedings against the petitioner for the lapses committed by him during his employment. Following the same, the respondents have passed such suspension order.



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3. On perusing the order of this Court, it is seen that the respondents were granted liberty to initiate disciplinary proceeding. But the respondents have passed suspension order. It is not necessary to pass suspension order in all cases. In the present case, the allegation against the petitioner is that he had argued with the Headmaster and was disrespectful with him and this Court in the earlier litigation has directed to initiate disciplinary proceeding against the petitioner. Therefore, this Court is of the considered opinion that when the Court has directed to initiate disciplinary proceedings, it is not necessary to pass suspension order. Moreover, if the petitioner is under suspension, the respondents cannot initiate disciplinary proceeding. Therefore, the suspension order is quashed. The respondents are directed to reinstate the petitioner into service. The said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order. However, liberty is granted to the respondents by issuing charge memo against the petitioner.

4. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.



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5. Before parting with the order, this Court is of the considered opinion that the petitioner should also contribute his best efforts for the smooth running of the institution. Since the two writ petitions are allowed in favour of the petitioner, would not mean that the petitioner can be disrespectful to Headmaster. He should be role model to the students and he should not show disrespect to the Headmaster. If he shows disrespect, then the students also would show disrespect to the Headmaster and also show disrespect to the petitioner as well. This Court with the fond hope that wisdom would prevail over the petitioner, has allowed this writ petition.

24.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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