



W.P(MD)No.9757 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P(MD)No.9757 of 2023
and
W.M.P.(MD)Nos.8590 & 8592 of 2023**

S.S.Marimuthu

... Petitioner

Vs.

**1.The Joint Director of School Education,
DPI Campus, College Road, Chennai-6.**

**2.The Chief Educational Officer,
Thoothukudi District, Thoothukudi.**

**3.The District Educational Officer,
Kovilpatti Educational District,
Kovilpatti,
Thoothukudi District.**

**4.The Secretary,
Hindu Nadars Higher Secondary School,
Kadambur, Kayathar Taluk,
Thoothukudi District-628 714.**

... 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 relating to the impugned punishment order of Suspension dated 06.01.2023 passed by the 4th respondent in his proceedings in A/2022-2023 and the consequential order of the 3rd respondent dated 23.02.2023 in his proceedings in Na.Ka. No.338/A4/2023 and quash



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the same and consequently directing the respondents to disburse all service and monetary benefits to the petitioner forthwith.

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For Petitioner : Mr.J.Parekhkumar
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R3
: Mr.K.Ragatheeshkumar
for M/s.Isaac Chambers for R4

ORDER

Heard the learned counsel on either side.

2. The petitioner is working as PG Assistant (Mathematics) in the 4th respondent school. It is an aided institution. By the impugned order, he had been visited with punishment of suspension for a period of ten days from 07.01.2023 to 17.01.2023. Though the order passed by the fourth respondent is styled as suspension order, it is not pending enquiry. On the other hand, it has been imposed as measure of punishment. Such an order cannot be passed without complying with the principles of natural justice. The petitioner was not issued with charge memo and explanation was not obtained.

3. In this view of the matter, the order impugned in the writ petition is set aside. The period from 07.01.2023 to 17.01.2023 shall be



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treated as one of duty for all purposes. In normal circumstances, I would have fastened the management with the financial liability. But in this case, it is seen that during the said period pongal festival had also fallen. Therefore, considering the special facts and circumstances in this case, it can be treated as duty for all purposes. The learned counsel for the petitioner states that the petitioner was not paid his salary for the month of January 2023. Proposal shall be sent by the management and the department is directed to release the salary grant for the said period.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

21.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

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- 2.The Chief Educational Officer,
Thoothukudi District, Thoothukudi.
- 3.The District Educational Officer,
Kovilpatti Educational District,
Kovilpatti, Thoothukudi District.

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G.R.SWAMINATHAN, J.

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