



W.P(MD)No.15973 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15973 of 2023

and

W.M.P(MD)Nos.13375 & 13377 of 2023

Arulkumaran

... Petitioner

Vs

The Chief Educational Officer,
Theni,
Theni District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned suspension order vide R.C.No.6792/C2/2021 dated 23.12.2021 and the consequential charge memo issued by the respondent vide Na.Ka.No. 6792/E2/2021 dated 26.08.2022 and quash the same as illegal.

For Petitioner : Mr.D.Saravanan

For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2. The petitioner is holding the post of Physical Education Teacher in Kanniyappapillaipatti Government Higher Secondary School. He was implicated in Crime No.27 of 2021 on the file of AWPS, Andipatti. He was arrested on 21.12.2021. He was therefore rightly suspended from service. He has now been issued with charge memo dated 26.08.2022. Challenging the same, this writ petition has been filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that he would face the departmental proceedings and he would be satisfied if the direction is given to the respondent to review order of suspension.

4. The petitioner has already given a representation for revocation of suspension. The respondent will bear in mind all the relevant factors before issuing suspension order. The suspension order was passed as early as on 23.12.2021. 1 ½ years have elapsed. It is also stated that the victim was not a student of the School. According to the petitioner, the subject matter did not



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pertain to the discharge of the official duties by the petitioner. Taking note of all these aspects, the respondent may consider if continuance of the petitioner's suspension is still warranted. An order on merit shall be passed by the respondent regarding the revocation of suspension within a period of four weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

30.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

The Chief Educational Officer,
Theni,
Theni District.



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G.R.SWAMINATHAN, J.

MGA

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