



W.P.(MD).No.19965 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19965 of 2023

and

W.M.P(MD) Nos.16471 and 16472 of 2023

Sarmila

... Petitioner

Vs.

1. The Director of School Education,
Chennai – 6.

2. The District Collector,
Karur.

3. The Chief Educational Officer,
Karur.

4. The District Educational Officer,
Karur District,
Karur.

5. The Headmaster,
Government High School,
Vengapalayam,
Karur 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



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records pertaining to the impugned proceedings issued by the third respondent in Rc.No.4967/B2/2023, dated 26.06.2023 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the respondents to reinstate the petitioner back into service for post of B.T. Assistant (Tamil) in the fifth respondent's School within time frame stipulated by this Court.

For Petitioner : Mr.P.Krishnasamy
For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The present Writ Petition has been filed by a B.T. Assistant (Tamil Teacher) challenging the order of suspension, dated 26.06.2023.

2. The writ petitioner was arrayed as a third accused in Crime No.14 of 2021, on the file of the District Crime Branch, Karur, dated 06.12.2021. As per the allegations in the said F.I.R, she is said to have received a sum of Rs.14,00,000/- (Rupees Fourteen Lakhs only) along with two others from the *defacto* complainant assuring to get an employment and consequently all the three of them have jointly forged a Government Order of employment. On the basis of the said allegations, the petitioner was arrested on 25.06.2023 and



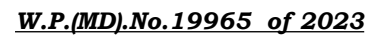
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placed under suspension which is impugned in the writ petition.

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3. According to the learned counsel appearing for the writ petitioner, the petitioner is under prolonged suspension. The counsel appearing for the writ petitioner has relied upon the judgment of the Hon'ble Supreme Court reported in ***(2015) 7 SCC 291 (Ajay Kumar Choudhary Vs. Union of India, through its Secretary and another)***. He further relied upon the G.O.Ms.No. 81, Human Resources Management (N) Department, dated 04.08.2022 and the Full Bench judgment of our High Court reported in ***2022 (2) CTC 353 (P.Kannan Vs. Commissioner for Municipal Administration, Municipal Administration Commission and two others)***.

4. A perusal of the suspension order clearly indicates that, since the writ petitioner was in judicial custody for more than 48 (Forty Eight) hours, she has been placed under deemed suspension. Further, the Hon'ble Full Bench of our High Court has clarified that the judgment of the Hon'ble Supreme Court reported in ***(2015) 7 SCC 291 (Ajay Kumar Choudhary Vs. Union of India, through its Secretary and another)***, had not laid down any absolute proposition of law that an order of suspension cannot be continued beyond a





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R.VIJAYAKUMAR,J.

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