



WEB COPY



W.P.No. 5796 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No.5796 of 2024
and
W.M.P.Nos.6429 & 6430 of 2024**

V. Raja

.....

Petitioner

Vs

1. The District Educational Officer (Elementary),
Tharamangalam,
Salem District.

2. The Block Educational Officer,
Kolathur,
Salem District.

.....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the order dated 10.08.2023 made in R.C.No.5296/B3/2023 on the file of the first respondent herein and quash the same and consequently, direct the respondents to implement the order dated 08.08.2023 made in Na.Ka.No.731/A2/2023 on the file of the second respondent.

For Petitioner : Mr.C.Munusamy
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER



W.P.No. 5796 of 2024

This Writ Petition has been filed challenging the order of suspension dated 08.08.2023 passed by the first respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner, while he was working as a Head Master in the Panchayat Union Primary, School, Karungallur, Kolathur Block, Salem District, involved in a criminal case for the offences under Section 9(f)(m) read with 10 of the POCSO Act, 2019 in Crime No.8 of 2023 on the file of the Inspector of Police, All Women Police Station, Mettur, on 10.08.2023. Pursuant to the registration of the FIR, the petitioner was arrested and remanded to judicial custody on 11.08.2023. Thereafter, the petitioner was granted bail on 02.11.2023. In view of the arrest, by an order dated 10.08.2023, he was deemed to be suspended from service from the date of his arrest.

4. The learned counsel appearing for the petitioner would submit that the petitioner was not paid any subsistence allowance so far and he also submitted a representation to revoke the order of suspension. He further submitted that already the petitioner was deputed as Head Master in the



W.P.No. 5796 of 2024

Panchayat Union Primary School, Chokkanoor, Kolathur Union. The petitioner involved in a criminal case that too for the offence under POCSO Act. The petitioner had misbehaved with his own students. Therefore, the petitioner has committed very serious offence and as such, if the petitioner is allowed to join in the School, it would not be safe for the students. Therefore, this Court is not inclined to quash the suspension order. Further, the learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner is receiving subsistence allowance regularly.

5. In view of the above, this writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

06.03.2024

Index: Yes/No
Speaking Order: Yes
Lpp

G.K.ILANTHIRAIYAN, J.

Lpp



W.P.No. 5796 of 2024

To

WEB COPY

1. The District Educational Officer (Elementary),
Tharamangalam,
Salem District.

2. The Block Educational Officer,
Kolathur,
Salem District.

W.P.No.5796 of 2024
and
W.M.P.Nos.6429 & 6430 of 2024

06.03.2024