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W.P.No.6878 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**W.P.No.6878 of 2024**  
**and W.M.P.No.7679 of 2024**

Sulochana

...Petitioner

-Vs-

1. The Joint Director (Higher Secondary),  
School Education,  
Chennai 600 006.

2. The Chief Educational Officer,  
Chief Education Office,  
District Collectorate,  
Perambalur District – 621 212.

3. The State represented by,  
The Inspector of Police,  
Perambalur P.S.,  
Crime No.421/2023.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the order passed by the first respondent vide R.C.No.052281 / W3 / S3 / 2023 dated 22.08.2023 and to quash the same and consequently direct the second respondent to reinstate the petitioner in service.



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For Petitioner : Mr.A.S.Aswin Prasanna  
For R1 and R2 : Mrs.S.Mythreye Chandru  
Special Government Pleader  
For R3 : Mr.V.Veluchamy  
Additional Government Pleader  
**ORDER**

This writ petition has been filed challenging the order passed by the first respondent vide R.C.No.052281 / W3 / S3 / 2023 dated 22.08.2023, thereby suspended the petitioner from his service.

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

3. The petitioner, while she was working as PG Assistant teacher, was arrested and remanded to judicial custody, pursuant to the registration of FIR in Crime No.421 of 2023 for the offences punishable under Sections 147, 148, 120(b), 302 read with 34 of IPC. The petitioner is arrayed as A12. Pursuant to her arrest, she was deemed to be suspended from service from the date of her arrest.

4. The learned counsel for the petitioner would submit that the petitioner



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has been falsely implicated in a criminal case and so far, no charge sheet has been laid in the criminal case. Therefore, the suspension order cannot be sustained and it is liable to be quashed.

5. The petitioner was arrested and remanded to judicial custody and still she is complying with the condition imposed by the Trial Court. That apart, the petitioner had involved in a case of murder registered under Section 302 of IPC. As per G.O.Ms.No.81, Human resources Management (N) Department dated 04.08.2022, issued guidelines fixing time limit for finalization of disciplinary proceedings. Accordingly, the time limit mentioned in the said GO will not be applicable to cases of Government Servants against whom the criminal proceedings have been initiated. However, while sanctioning prosecution in such a criminal case, an examination similar to the one mentioned in item (viii) shall be made by the competent authority.

6. Item (viii) says that the disciplinary authority comes to a conclusion suo-motu or after conclusion of the investigation by the Director of Vigilance and Anti-corruption, the disciplinary authority shall, while initiating action by issue of charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or under Rule 3(b) of the Tamil Nadu Police Subordinate



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Services (Discipline and Appeal) Rules, 1955 as the case may be, examine with reference to the facts established, which form the basis for the charges, whether public interest or the needs for further proceedings will require continued suspension of the Government Servant already under suspension.

7. In the case on hand, admittedly, the FIR is pending as against the petitioner registered for the offences under Sections 147, 148, 120(b), 302 read with 34 of IPC. Therefore, only after filing the final report by the investigating agency, it will come to light about the overtact of the petitioner.

8. In view of the above, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

14.03.2024

Internet: Yes  
Index : Yes/No  
Neutral Citation : Yes/No  
Speaking/Non Speaking order  
mn



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To

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**G.K.ILANTHIRAIYAN. J,**

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