



WEB COPY



WP.No.9728 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

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THE HON'BLE Mr.JUSTICE C.KUMARAPPAN

WP.No.9728 of 2020
and
WMP.No.11846 of 2020

P.Muthuswamy

... Petitioner

- Vs -

1. The Director of School Education
College Road, Chennai-600 006.
2. The Chief Educational Officer,
Tiruppur, Tiruppur District.
3. The District Educational Officer,
Udumalpet, Tiruppur District.
4. Shree Venkatakrishna Higher Secondary School
Rep. by its Secretary,
Kaniyur, Madathukulam Taluk,
Tiruppur District.
PIN-642 203.
5. K.Easwarasamy

... Respondents

Writ Petition is filed under Article 226 of The Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 4th respondent in relation to the Memo No.54 dated 13.04.2020 issued by the 4th respondent and quash the same and issue consequential direction to the Respondents to drop all further proceedings.



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For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.E.Vijay Anand
Addl. Govt. Pleader for R1 to R3
Ms.S.Suneetha for R4
R5-No Appearance

ORDER

The instant writ petition has been filed challenging the suspension dated 13.04.2020.

2. It is brought to the notice of this Court that the suspension was ultimately revoked on 09.10.2020 and subsequently, the punishment was imposed against the petitioner on 23.10.2020. Therefore, *prima facie* nothing survives in the present writ petition.

3. However, the learned counsel for the petitioner would invite the attention of this Court in respect of Section 22 (3) (a) and (b) of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973. For ready reference, the same is extracted hereunder:-

“22. Dismissal, removal or reduction in rank or suspension of teachers or other persons employed in private schools:



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(3) (a). No teacher or other person employed in any private school shall be placed under suspension, except when an inquiry into the gross misconduct, within the meaning of the Code of Conduct prescribed under sub-section (1) of section 21, of such teacher or other person is contemplated.

(b). No such suspension shall remain in force for more than a period of two months from the date of suspension and if such inquiry is not completed within that period, such teacher or other person shall, without prejudice to the inquiry, be deemed to have been restored as teacher or other employee: Provided that the competent authority may, for reasons to be recorded in writing extend the said period of two months, for a further period not exceeding two months, if in the opinion of such competent authority, the inquiry could not be completed within the said period of two months for reasons directly attributable to such teacher or other person."

Placing reliance on the above provision, the learned counsel for the petitioner would submit that, the suspension beyond the period of 4 months has to be treated as duty period.

4. Here in this case, the petitioner was suspended on 24.03.2020 for a period of two months, subsequently, the suspension was extended for further period of 2 months vide order dated 23.09.2020 and subsequently, the suspension was revoked on 09.10.2020. However, as per the above



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provisions, the Management has no power to keep the Teacher under
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suspension beyond four months period, if the Teachers are kept under



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C.KUMARAPPAN.J

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suspension beyond 4 months period, according to deeming provision, after completion of 4th month, they deemed to have been restored to the post. Therefore, as rightly contended by the learned counsel for the petitioner, the suspension period beyond 4 months, till the date of revocation of suspension has to be treated as duty period with full pay.

5. With the above observation, this writ petition is closed. No costs. Consequently, connected WMP is also closed.

25.10.2024
(1/3)

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Index : Yes/No

Speaking/Non Speaking Order

NCC : Yes/No

To

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