



W.P.No.11292 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11292 of 2024
and W.M.P.No.12382 of 2024

A.Sakthivel

.. Petitioner

Versus

1. The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 034.

2. The Chief Educational Officer,
Chennai District,
Egmore, Chennai - 600 008.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records pertaining to R.C.No.13158/W1/S2/2024, dated 01.03.2024 and quash the same consequently directing the respondents to reinstate the petitioner with full back wages.

For Petitioner : Mr.A.M.Venkata Krishnan

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER



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This petition is filed seeking to quash the order, dated 01.03.2024 and consequently, to direct the respondents to reinstate the petitioner with full back wages.

2. The petitioner is suspended by the impugned order, dated 01.03.2024 in contemplation of Disciplinary Proceedings. The learned Counsel for the petitioner would submit that merely because the petitioner was a Whistleblower, the proceedings are initiated against him in a malafide manner. There is no iota of truth in the contemplated charges against the petitioner.

3. I have considered the said submission of the learned Counsel for the petitioner and perused the material records of the case.

4. The petitioner is suspended on 01.03.2024 in contemplation of an enquiry. At this stage, this Court cannot interfere with the order of suspension on the ground raised by the learned Counsel for the petitioner which is on the merits of the allegation. It is for the petitioner to explain or deny the charges as and when they are levelled against him. The order of



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suspension can be interfered by this Court, if only, it is issued without jurisdiction or malafide. Even though the petitioner makes an allegation that he is being victimised, he has not raised the allegation of malafide by impleading any person in his individual capacity.

5. The learned Counsel would further submit that only because of the nexus between the person against whom the petitioner made the allegation and the higher officials, the suspension order is now slapped against the petitioner. Even those allegations should have been made by impleading the person against whom the allegations are made in the individual capacity and only in that case, the Court can entertain the plea of malafide.

6. Since there are no legally justifiable grounds to interfere with the suspension order at this stage, this Writ Petition cannot be entertained and accordingly, is dismissed. However, it will be open for the petitioner to go before the authorities by way of explaining the charges and also by making a prayer to revoke the suspension and the same shall be considered on merits and in accordance with law by the authority concerned. There shall



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be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.04.2024

Index : yes
Speaking order
Neutral Citation : no
grs

To

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D.BHARATHA CHAKRAVARTHY, J.

grs

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