



WEB COPY

W.P.No.15312 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.15312 of 2024
and WMP.No.16639 of 2024

G. Brindha

... Petitioner

-Vs-

1. The State rep.
The Ministry of School Education
Fort St.George,
Chennai 600 001.
2. The Director of Elementary Education
DPI Complex, College Road,
Chennai 600 006.
3. The District Educational Officer (Elementary),
Erode.
4. The Block Educational Officer,
Perundurai.
5. The Headmaster
Panchayat Union Primary School,
Thoranavavi, Perundurai Block

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to R.C.No.2422/B3/2023 dated 04.09.2023 of the 3rd respondent and to quash the same and direct the 3rd respondent to re-instate the petitioner into service with all consequential benefits.



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For Petitioner : Mrs.S.Sridevi
For Respondents : Mrs.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to R.C.No.2422/B3/2023 dated 04.09.2023 of the 3rd respondent and to quash the same and direct the 3rd respondent to re-instate the petitioner into service with all consequential benefits.

2. The petitioner is working as a Head Master in Panchayat Union Primary School, Thoranavavi, Perundurai Block. While so, the petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act, 1981 by the Judicial Magistrate – I, Mettur by judgment dated 10.12.2021 in C.C.No.370 of 2017. Pursuant thereof, since the petitioner did not file appeal in time, she was remanded to Special Prison for Women, Coimbatore with effect from 22.08.2023 and she was under incarceration for more than 48 hours. In view thereof, impugned order of suspension was passed on 04.09.2023.

3. Further, it is now represented by the learned counsel for the petitioner that subsequently the petitioner's sentence was suspended and that she came out on bail and she had also deposited 20% of the cheque amount. The



petitioner is also contemplating to deposit the entire cheque amount before the concerned Court, so that she can obtain relief.

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4. Considering the fact that the offence is under Section 138 of the Negotiable Instruments Act, and taking into account that the petitioner is attempting to resolve the issue, even though the impugned order as such is not illegal, this is a case where the respondents can apply their mind whether to continue the suspension or revoke the suspension by considering the representation of the petitioner dated 04.01.2024. It is also made clear that the petitioner being the Head Master should try to resolve the issue as early as possible. In view thereof, this writ petition is disposed of on the following terms:-

1) The third respondent is directed to consider the representation of the petitioner dated 04.01.2024 for review and revocation of her suspension as expeditiously as possible and pass orders thereon, in any event within a period of 8 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

13.06.2024

Neutral Citation; Yes/No
dpq



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D. BHARATHA CHAKRAVARTHY, J.

dpq

To

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