



W.P.No.17082 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17082 of 2024

A.Justin Prabhakar

... Petitioner

Vs

1. The Director of Elementary Education,
Directorate of Elementary Education,
College Road,
DPI Campus,
Chennai – 600 006.
2. The District Collector,
Karur,
Karur District.
3. The Chief Educational Officer,
Karur,
Karur District.
4. The District Educational Officer,
(Elementary)
MHS School,
Karur,
Karur District.



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5. The Block Educational Officer,
Thogaimalai,
Karur, Karur District.

6. The Head Master,
Panchayat Union Middle School,
Purasampatti, Thogaimalai Block,
Karur,
Karur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to revoke the order of suspension of the petitioner dated 21.07.2023 based his application dated 14.05.2024 as per the direction issued by the Government of Tamil Nadu in G.O. Ms. No. 81, Human Resources Management (N) Department dated 04.08.2022.

For Petitioners : Mr. K.Balu

For Respondents : Mrs. S.Mythreye Chandru,
Special Government Pleader
(for R1, R3 to R6)

Mr. G.Velu,
Additional Government Pleader (for R2)



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ORDER

This Writ Petition has been filed to direct the respondents to revoke the order of suspension of the petitioner, dated 21.07.2023, based on the application dated 14.05.2024 made by him as per the direction issued by the Government of Tamil Nadu in G.O. Ms. No. 81, Human Resources Management (N) Department dated 04.08.2022.

2. The petitioner was appointed as Secondary Grade Teacher by the fourth respondent, by order dated 21.09.2004 at Sukkampatti Panchayat Union Middle School, Kadavur Union. Thereafter, the petitioner was transferred to the sixth respondent/School on 21.08.2006. While that being so, a complaint was lodged as against the petitioner, alleging that the petitioner had collected deposits from the people and failed to return the matured amount. Therefore, the Police registered a case in Crime No. 3 of 2019 for the offences under Sections 406 and 420 of IPC r/w Sections 3, 4 and 21 of the Banning of Unregulated Deposits Schemes Act. Subsequently, the offences were altered to Sections 406, 420 and 120(B) of IPC and Section 5 of the TNPID Act and Sections 3, 4 and read with 21 of the Banning of Unregulated Deposits Scheme Act. After a period 3 years from



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the date of registration of the First Information Report, the petitioner has been implicated as an accused in the year 2022. On the strength of the implication of the petitioner as the accused, he was suspended from service. Subsequently, he was arrested and released on bail. Therefore, the petitioner was deemed to be suspended from the date of his arrest by order dated 21.07.2023. Now, the crime is pending in the First Information Report stage and charge sheet has been laid.

3. On the strength of the registration of the First Information Report, the petitioner now is facing the disciplinary proceedings. However, no final report has been filed in the First Information Report registered against the petitioner. Admittedly, the currency of suspension order should not be extended beyond three months and also the limitation to be fixed for the period of suspension. That apart, as far as G.O. Ms. No. 81, Human Resources Management (N) Department, dated 04.08.2022 is concerned issued by the Government of Tamil Nadu, there are certain guidelines issued in the case of finalization of disciplinary proceedings.

4. In view of the above, the fourth respondent is directed to



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consider the representation dated 14.05.2024 submitted by the petitioner seeking revocation of suspension, in the light of the said G.O. Ms. No. 81, Human Resources Management (N) Department dated 04.08.2022 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. No costs.

01.07.2024

Index:Yes/No
Neutral Citation/Yes/No
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To

1. The Director of Elementary Education,
Directorate of Elementary Education,
College Road,
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2. The District Collector,

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G.K.ILANTHIRAIYAN, J.

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