



Writ Petition Nos.22564 & 22566 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition Nos.22564 & 22566 of 2024

and

W.M.P.Nos.24579, 24580 & 24582 of 2024

P.Muruganantham
S/o.Pandian

... Petitioner in both
writ petitions

Vs.

1.The Director of Elementary Education,
College Road, Chennai - 600 006.

2.The District Elementary Educational Officer,
Coimbatore District, Coimbatore.

3.Tmt.A.Punitha Anthoniammal
District Elementary Educational Officer,
Coimbatore District, Coimbatore.

4.The Block Educational Officer,
Karamadai Panchayat Union,
Karamadai, Coimbatore District.

5.Thiru. J.B.Krishnamoorthy
Block Educational Officer,
Karamadai Panchayat Union,
Karamadai, Coimbatore District.

... Respondents in both
writ petitions



Writ Petition Nos.22564 & 22566 of 2024

W.P.No.22564 of 2024:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the respondents in relation to the proceedings issued in Rc.No.1211/B2/2024 dated 02.04.2024 by the second respondent and quash the same and issue a consequential direction to the respondents to reinstate the petitioner with benefits in service and to post the petitioner as the secondary grade teacher in suitable place.

W.P.No.22566 of 2024:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the respondents in relation to the proceedings issued in Na.Ka.No.768/A2/2024 dated 24.05.2024 by the fourth respondent and quash the same and issue a consequential direction to the respondents to grant subsistence allowance to the petitioner from the month of April, 2024 to till the date of revocation of suspension dated 02.04.2024.

For Petitioner : Mr.R.Saseetharan
[in both petitions]

For Respondents : Mrs.S.Mythreya Chandru
[in both petitions] Special Government Pleader [Edn.]
[R1, R2 and R4]



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COMMON ORDER

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These writ petitions have been filed challenging the suspension order passed by the second respondent through proceedings dated 02.04.2024 and for reinstatement of the petitioner and also for payment of subsistence allowance from the month of April, 2024 to till date/ till the date of revocation of the suspension order.

2. Heard Mr.R.Saseetharan, learned counsel for petitioner and Mrs.S.Mythreya Chandru, learned Special Government Pleader, appearing for respondents 1, 2 and 4.

3. The petitioner has been suspended from service based on a criminal case registered against him in Crime No.141 of 2024, which involves commission of offences under the POCSO Act. A complaint was given against the petitioner to the effect that he had sexually harassed school children in a Corporation Middle School. It is under these circumstances, the suspension order came to be issued against the petitioner.



4. Learned counsel for petitioner submitted that the petitioner has already been transferred to some other school and therefore, there is no reason to continue with the suspension order. Learned counsel further submitted that till date, the subsistence allowance has not been paid to the petitioner.

5. *Per contra*, learned Special Government Pleader appearing on behalf of respondents 1, 2 and 4 submitted that the petitioner has not joined duty in the school to which he has been transferred. Learned Special Government Pleader further submitted that the petitioner has not submitted the relevant documents/application as required under the Fundamental Rule 53. Therefore, unless and otherwise the application is submitted providing all the details, it will not be possible for paying the subsistence allowance to the petitioner.

6. In the considered view of this Court, going by the nature of allegation that has been made against the petitioner and its gravity, this Court is not inclined to interfere with the suspension order passed against the petitioner. Insofar as subsistence allowance is concerned, the petitioner is directed to submit the necessary particulars and application



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before the concerned authority and on receipt of the same, the subsistence allowance shall be paid to the petitioner as per the rules.

These writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

08.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

- 1.The Director of Elementary Education,
College Road, Chennai - 600 006.
- 2.The District Elementary Educational Officer,
Coimbatore District, Coimbatore.
- 3.The Block Educational Officer,
Karamadai Panchayat Union,
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N.ANAND VENKATESH, J

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