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'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.31225 of 2024

Mrs.Maheshwari

..Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Department of School Education,
Secretariat, Chennai 600 009.
2. The Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam, Chennai 600 006.
3. The Joint Director (Personnel)
School Education Department,
DPI Campus, College Road,
Nungambakkam, Chennai 600 006
4. The Chief Educational Officer,
Vellore, Vellore District.
5. The District Educational Officer,
Vellore, Vellore District.



6. The Head Master,
Government Higher Secondary School,
Konavattam, Vellore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to revoke the order of suspension of the petitioner dated 04.12.2021 based on her application dated 04.08.2022 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 and consequently direct the 4th respondent to pay the subsistence allowance to the petitioner along with arrears.

For Petitioner : Mr.K.Balu

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 to R5

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation submitted by the petitioner wherein the petitioner is seeking for revocation of the order of suspension dated 4.12.2021.



2. Heard Mr.K.Balu, learned counsel for the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader for Respondents 1 to 5.

3. The case of the petitioner is that he was appointed as a B.T.Assistant (Tamil) Teacher in the year 1995. An FIR came to be registered in Crime Nos.13, 16, 17 of 2021 and the petitioner was also arrayed as an accused. Based on the same, the impunged proceedings came to be issued by the 4th respondent dated 04.12.2021 placing the petitioner under suspension.

4. The further case of the petitioner is that the FIR came to be registered for a dispute which is purely civil in nature and hence, the petitioner had filed quash petitions before this Court and the same is pending. Since the suspension was continuing for more than 2 1//2 years, the petitioner submitted an application seeking for revocation of the order of suspension. That apart, the subsistence allowance was also not paid to the petitioner. It is under these circumstances, the present writ petition has been filed before this Court seeking for appropriate directions.



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5. Taking into consideration the facts and circumstances of the case and also of the fact that the suspension has been continuing for more than 2/12 years, there shall be a direction to the 4th respondent to deal with the representation made by the petitioner on 20.06.2024 on its own merits and in accordance with law and take a decision within a period of six weeks from the date of receipt of a copy of this order. It is also made clear that whatever subsistence allowance to which the petitioner is entitled to, shall be paid to the petitioner till the suspension subsist. If there are any arrears, it shall be settled to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

24.10.2024

Internet : Yes/No

Index : Yes/No

Speaking Order / Non Speaking Order
rka

Note :Issue order copy on 29.10.2024



To

1. The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Department of School Education,
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2. The Director,
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N. ANAND VENKATESH, J.

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