



W.P.(MD).No.6344 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.6344 of 2024

and

W.M.P(MD) No.12922 of 2024

S.Sethuramalingam

... Petitioner

Vs.

1. The Chief Educational Officer,
Office of Chief Educational Officer,
Thoothukudi District.

2. The District Educational Officer,
Office of District Educational Officer,
Thoothukudi District.

3. S.A.V.Higher Secondary School,
No.69, Chatram Street,
Thoothukudi,
Represented by its Secretary,
S.Sornalatha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 05.03.2024, passed by the third respondent and quash the same and direct the respondents to reinstate the petitioner in service with all attendant monetary benefits within the time stipulated by this Court.



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For Petitioner : Mr.S.Pon Senthil Kumaran
For R1 and R2 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R3 : Mr.P.T.Ramesh Raja

ORDER

The present Writ Petition has been filed by a P.G.Assistant Teacher working in the third respondent School, challenging the order passed by the Management, refusing to revoke the order of suspension.

2. The petitioner, who was involved in a criminal case and detained in judicial custody on 21.09.2023, was placed under suspension by the School Management with effect from 21.09.2023 till 01.10.2023, by an order dated 26.09.2023. Thereafter, the petitioner's suspension was extended until further orders, by an order dated 05.10.2023.

3. The petitioner herein has made a representation on 23.01.2024, seeking revocation of the order of suspension. The said request was rejected under the impugned order dated 05.03.2024, by the School Management on



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the ground that unless he is honorably acquitted in the criminal proceedings there is no scope for revocation of the order of suspension. This order is under challenge in the present writ petition.

4. According to the learned counsel appearing for the writ petitioner, the School Management is under a wrong impression that unless the petitioner is honorably acquitted in the criminal case he is not entitled to be reinstated. He further contended that it is the discretion of the Management to reinstate the writ petitioner. Hence, he prayed for allowing this writ petition.

5. Per contra, the learned counsel appearing for the third respondent/ School Management, by filing a counter, had contended that the School Committee in their emergency meeting held on 06.08.2024 has decided to consider the revocation of the suspension of the petitioner subject to the approval of the respondents 1 and 2 and also the outcome of the criminal case initiated as against the petitioner.

6. The learned Additional Government Pleader appearing for the respondents 1 and 2 had pointed out that since Non-Employment Certificate



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and the residential status of the writ petitioner have not been forwarded by the School Management, the authorities are not able to process the request of subsistence allowance of the writ petitioner for the period of six months from 21.09.2023. He further pointed out that as per the Tamil Nadu Private Schools (Regulation) Act, 2018, beyond a period of six months, the School is duty bound to pay the subsistence allowance.

7. Considering the above said facts, this Court passes the following orders:

“(i) The third respondent School is directed to forward the Non-Employment Certificate and residential Status Certificate of the writ petitioner to the respondents 1 and 2, to enable the petitioner to receive his subsistence allowance for a period of six months. The said exercise shall be completed by the School Management within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the said file, the respondents 1 and 2 are directed to disburse the eligible subsistence allowance to the writ petitioner within a period of four weeks thereafter.



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(iii). If the petitioner is continued to be kept under suspension beyond 23.01.2024, it is made clear that the subsistence allowance, as per the Tamil Nadu Private Schools (Regulation) Act, 2018 shall be paid by the School Management.

(iv). It is made clear that the Rule 13(5) of Tamil Nadu Private Schools (Regulation) Rules, 2023, does not prevent the School Management from reinstating the petitioner, until he is exonerated in the criminal proceedings. The School Management is at liberty to reinstate the petitioner based upon the School Committee resolutions, even pending criminal proceedings.”

8. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

14.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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Office of Chief Educational Officer,
Thoothukudi District.
2. The District Educational Officer,
Office of District Educational Officer,
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R.VIJAYAKUMAR,J.

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