



W.P.(MD).No.15164 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.15164 of 2024

T.Arul Jeevan

...Petitioner

Vs

1.The Joint Director of School Education,
(Higher Secondary),
Directorate of School Education,
Chennai – 600 006.

2.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents to pass orders on the representation dated 18.04.2024 seeking revocation of suspension made in G.O.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022 by reviewing the same on merits and as per Government Order within a time to be stipulated by this Court.



W.P.(MD).No.15164 of 2024

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.N.S.Ramakrishna Dass, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the respondents to pass orders on the representation dated 18.04.2024 seeking revocation of suspension made in G.O.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022 by reviewing the same on merits and as per Government Order.

3. Mr.N.S.Ramakrishna Dass, learned counsel for the petitioner submitted that the petitioner who has been working as Post Graduate Assistant (Physics) in the Government Higher Secondary School,



W.P.(MD).No.15164 of 2024

Kannattaivilai, Kanniyakumari District, was placed under suspension on

30.06.2023 and was issued with a charge memo dated 11.12.2023.

Thereafter, the petitioner submitted his explanation to the charge memo on 10.01.2024 and the same is pending without any process. Despite the petitioner was kept under suspension from 30.06.2023, so far it has not been renewed. In this regard, the petitioner had given a representation dated 18.04.2024 to the respondents seeking for revocation of suspension made in G.O.Ms.No.81 Human Resources Management (N) Department dated 04.08.2022. Since no action was taken, the present petition is filed.

4. Attention was drawn to the dictum laid down by the Hon'ble Supreme Court in the case of *Ajaykumar Choudhary Vs Union of India* reported in **(2015) 3 CTC 119 (SC)**, wherein it is held that every suspension order has to be periodically reviewed and the order cannot be extended beyond three months without even issuing any charge memo for further proceedings.



W.P.(MD).No.15164 of 2024

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5. Since the petitioner's suspension has not been renewed so far and the petitioner has given representation and even the representation of the petitioner has not been considered and culminated in the order, it is for the respondents to consider the petitioner's representation and pass orders on merits.

6. In view of the above, this Writ Petition is **allowed** and the respondents are directed to consider the representation of the petitioner dated 18.04.2024 and pass orders for revoking the suspension and to reinstate him in to service, within a period of two weeks from the date of receipt of a copy of this order. No costs.

09.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD).No.15164 of 2024

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W.P.(MD).No.15164 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD).No.15164 of 2024

09.07.2024