



W.P.(MD)No.21362 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.21362 of 2024

P.Velmurugan

... Petitioner

Vs.

1.The Joint Director of School Education (Personnel),
School Education Department,
Commissionerate of School Education,
DPI Compound,
Chennai – 6.

2.The Chief Educational Officer,
O/o.The Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

3.The Principal,
District Institute of Educational Training (DIET),
Manjur,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to revoke the order of suspension passed by the first respondent in his proceedings in R.C.No.33853/A4/S2/2022, dated 09.05.2022 and either place the petitioner in



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any non sensitive post by reviewing the same or to pay the 75% of subsistence allowance in terms of Clause 11(xi) of GO.Ms.No.81 Human Resource Management (N) Department dated 04.08.2022 and in the light of order passed by the Honourable Apex Court in the case of Ajay kumar Choudhary reported in 2015(7) SCC 291 and by considering the petitioner's representation, dated 26.06.2024 within the period that may be stipulated by this Court.

For Petitioner : Mr.V.Karthikraja
For M/s.Ajmal Associates

For R1 & R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Assistant working in the third respondent institution seeking Mandamus to consider his representation, dated 26.06.2024 for revocation of suspension.

2. A perusal of the type set of papers reveals that the petitioner was implicated in criminal case in NCB F.No.48/1/02/2022/NCB/MDU on 02.05.2022 for the offences punishable under NDPS Act. The petitioner was suspended with effect from 02.05.2022 by way of proceedings, dated 09.05.2022.



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3. The petitioner was arrested on 02.05.2022 and he was released on bail on 03.03.2023. The petitioner has given a representation on 26.06.2024 to the first respondent seeking revocation of suspension.

4. The learned Additional Government Pleader for the respondents 1 and 2 herein strongly objected to the prayer sought for in this writ petition on the ground that the petitioner was involved in a serious offence. Therefore, the question of revocation of suspension or reinstating of the petitioner in service would not arise till the disposal of the criminal case.

5. It is the contention of the petitioner that no charge memo has been issued and no charge sheet has been laid in the criminal case.

6. Considering the above said facts, the first respondent herein is directed to consider the representation of the petitioner for revocation of suspension, dated 26.06.2024 on merits and in accordance with law and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.



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7. The writ petition stands disposed of with the above direction. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

- 1.The Joint Director of School Education (Personnel),
School Education Department,
Commissionerate of School Education,
DPI Compound,
Chennai – 6.
- 2.The Chief Educational Officer,
O/o.The Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

R.VIJAYAKUMAR, J.



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