



W.P(MD)No.28122 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28122 of 2024

and

W.M.P(MD)No.23855 of 2024

Murugavel

... Petitioner

Vs.

1.The Joint Director (Personnel),
School Education,
Chennai.

2.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Supervisor,
Block Resource Center,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in Na.Ka.No.105/O.Pa.Ka/2024, dated 30.10.2024 and quash the same and direct the first and second respondents to re-instate the petitioner as Block Resources Teaching Educator (BRTE) at Ramanathapuram, Ramanathapuram District and pass such further or other orders as this Court.



WEB COPY



W.P(MD)No.28122 of 2024

For Petitioner : Mr.A.K.Baskarapandian
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The present writ petition has been filed by a BRT Teacher challenging the order passed by the third respondent herein, wherein he has rejected the request of the writ petitioner to revoke the order of suspension passed by the second respondent on 30.11.2023.

2. The petitioner herein had approached this Court in W.P(MD)No.6854 of 2024 seeking a Mandamus to consider his representation to reinstate him after revoking the order of suspension. This Court by an order, dated 21.03.2024 had directed the third respondent herein to consider his representation and pass orders. In compliance with the orders of this Court, the present impugned order has been passed by the third respondent herein on 30.10.2024, wherein he has rejected the request of the petitioner to revoke the suspension order on the ground that criminal cases are still pending as against him. This order is put to challenge in the present writ petition.



W.P(MD)No.28122 of 2024

WEB COPY

3. According to the learned Counsel appearing for the writ petitioner, the petitioner as well as one C.Ananth were implicated in a criminal case in Crime No.2 of 2020 on the file of EOW, Madurai on 12.10.2020. The said Ananth, who was arrayed as A-2 was initially suspended by the authorities and later his suspension order has been revoked by the District Educational Officer, Mandapam at Ramanathapuram. When the petitioner is a similarly placed person, who is also an accused in the said case, his order of suspension has not been revoked and he has been discriminated.

4. Per contra, the learned Additional Government Pleader appearing for the respondents herein pointed out that the third respondent, who has passed the present impugned order, has no jurisdiction to revoke the order of suspension passed by the second respondent herein. However, by mistake, a direction has been obtained as against the third respondent and the third respondent has also passed the present impugned order in order to avoid contempt proceedings. Further, according to him, the first respondent alone is competent to take a decision with regard to the revocation of suspension. He further submits that the first respondent has already sought for a report from the second respondent by way of his proceedings, dated 21.11.2024. Therefore, he



W.P(MD)No.28122 of 2024

prays that the first respondent may be directed to pass orders after receiving the report from the second respondent.

5. Considering the above said facts, the first respondent is directed to take an independent decision after going through the report of the second respondent [without being influenced by the order of the third respondent, dated 30.10.2024] and pass orders, within a period of six (6) weeks from the date of receipt of report from the second respondent herein taking into consideration the revocation of suspension order in favour of the co-accused of the writ petitioner.

6. With the above said direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

02.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



W.P(MD)No.28122 of 2024

WEB COPY

- To
- 1.The Joint Director (Personnel),
School Education,
Chennai.
 - 2.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.
 - 3.The Supervisor,
Block Resource Center,
Ramanathapuram,
Ramanathapuram District.



WEB COPY



W.P(MD)No.28122 of 2024

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.28122 of 2024

02.12.2024