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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.9445 of 2025

S.Balamurugan

.. Petitioner

Vs.

The Director of Collegiate Education,
Directorate of Collegiate Education,
Chennai – 600 015.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to pay subsistence allowance to the petitioner at the rate of 75% salary and dearness allowance from 26.02.2025 onwards and continue to pay the same as long as the petitioner is continued under suspension.

For Petitioner .. Mr.Selvathirumurugan

For Respondent .. Mr.C.Jayaprakash, Govt. Advocate

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking direction against the respondent to pay subsistence allowance to the



petitioner at the rate 75% of salary and dearness allowance on an from 26.02.2025 and continue to pay the same so long as the petitioner is placed under suspension.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner had joined as Assistant Professor in the year 2011 at Krishnagiri Arts College in Tamil Department. He was then transferred to Ooty Government Arts College on 21.09.2011. He was then transferred to Namakkal Government Arts College on 07.09.2017. He was again transferred to Ooty Government Arts College in the year 2019 and finally, transferred to Palladam Government Arts College on 07.11.2019.

3.At that time, FIR in Crime No.9 of 2023 had been registered by the Inspector of Police, All Women Police Station, Palladam, for offences punishable under Section 10 of POCSO Act, 2012. The petitioner was in custody on and from 22.08.2023. An order was passed granting bail by the learned Sessions Judge, Magalir Needimandram at Tiruppur on 27.10.2023. He was in custody for nearly about 70 days. The petitioner was, thereafter, placed under suspension.



4. In the order placing suspension, it was specifically stated that his place of headquarters should be at Palladam, but the petitioner started roaming around. He went over to Coimbatore. The explanation given by the learned counsel for the petitioner is that, the daughter and son of the petitioner are in Coimbatore and therefore, the petitioner had moved over to Coimbatore. It is also contended that though the bail condition was to appear before the jurisdictional police station / All Women Police Station, Palladam, they had directed him that he must stay in the address given in the Aadhar Card and therefore, he had merrily gone over to Coimbatore.

5. This conduct of the petitioner cannot be appreciated and has to be condemned by this Court. He is facing a serious charges under the POCSO Act. He may have his reasons as to why such a case was filed against him and he may have his defences, but there must be an inclination to abide by the rule of law. The petitioner seeks, as a matter of right, that his subsistence allowance should be increased to 75%, I am not inclined to grant that particular relief for the petitioner. He must first go over to Palladam and stay within Palladam. He has no right to stay in Coimbatore.



6. With the above observations, this Writ Petition stands dismissed. No costs.

25.03.2025

Index: Yes/No
Internet: Yes/No
smv

To

The Director of Collegiate Education,
Directorate of Collegiate Education,
Chennai – 600 015.

C.V.KARTHIKEYAN,J.



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