



W.P.(MD)No.19387 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.19387 of 2025
and
W.M.P.(MD)No.14908 of 2025

Mahesh

... Petitioner

-VS-

1.The Joint Director of College Education,
College Education Zonal Office,
Palam Station Road, Sellur,
Madurai - 625 002.

2.The Principal and Secretary,
The American College, Madurai,
Madurai - 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider petitioner's representation dated 19.06.2025 and to revoke the suspension order passed by the second respondent office vide proceedings in SO/09/2021/PO-03 dated 21.09.2021 and direct respondents 1 and 2 to pay the subsistence allowance continuously till the reinstatement into service, within a stipulated time that may be fixed by this Court.



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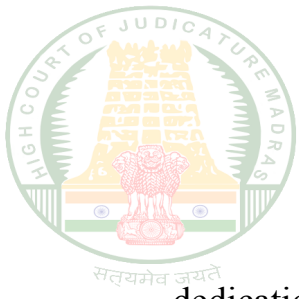
For Petitioner : Mr.R.Karunanidhi
For R1 : Mr.T.Amjadkhan
Government Advocate
For R2 : Ms.Jasima Yasmin
for M/s.Ajmal Associates

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to consider the petitioner's representation dated 19.06.2025 and to revoke the suspension order passed by the second respondent vide proceedings in No. SO/09/2021/PO-03 dated 21.09.2021 and further direct the respondents to pay subsistence allowance continuously until the petitioner is reinstated into service, within a time frame as may be fixed by this Court.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, initially he was appointed as a 'Gardener' and subsequently regularized as a 'Record Clerk' on 15.05.2007 and later promoted to 'Lab Assistant (Selection Grade)'. He has been in continuous service with the second respondent college for over 17 years. He has discharged his duties with



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dedication and to the satisfaction of his superiors. Unfortunately, due to a private dispute involving his elder sister's son and certain third parties, the petitioner was falsely implicated in Crime No.1000 of 2021 under various IPC provisions, though there is no overt act attributed to him in the said case. Pursuant to the same, he was placed under deemed suspension by the second respondent through proceedings dated 21.09.2021. Though this Court had earlier directed the respondents to consider the petitioner's representation dated 19.06.2025 for revocation of suspension and to ensure continuous payment of subsistence allowance, the respondents have failed to comply with the same fully. While subsistence allowance was paid upto March 2025, thereafter, the payment was arbitrarily discontinued in violation of this Court's order. The prolonged suspension without review, despite pendency of departmental proceedings and lack of substantial progress in the criminal case, has caused immense financial and personal hardship to the petitioner and his family. Hence, the petitioner is constrained to approach this Court seeking appropriate relief.

4. Heard both sides.

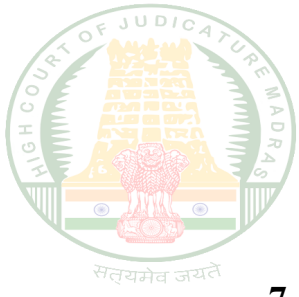


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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 19.06.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.



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7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

17.07.2025

To:-

- 1.The Joint Director of Collegiate Education,
Collegiate Education Zonal Office,
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Madurai - 625 002.
- 2.The Principal and Secretary,
The American College, Madurai,
Madurai - 625 002.



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VIVEK KUMAR SINGH, J.

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