



WP(MD). No.10528 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15/04/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.10528 of 2026
and WMP(MD)No.8234 of 2026

Suresh Kumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its the Joint Director of
School Education, Chennai.

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

3. The District Educational Officer,
Nagercoil,
Kanyakumari District.

4. The Headmistress,
Government Higher Secondary School
Vadasery, Nagercoil,
Kanyakumari District.

5. The Enquiry Officer,
Valliyoor District Educational Officer
(Elementary),
Valliyoor, Tirunelveli 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 1 to 3 herein to revoke the Suspension Order in R.C.No.2144/B5/2025 dated 06.08.2025, on the basis of the petitioner representations dated 12.08.2025 and 23.03.2026, within a time stipulated by this Court.



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For Petitioner : Mr.P.M.Vishnu Varthanan
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondents 1 to 3 to revoke the suspension order issued in proceedings R.C.No.2144/B5/2025 dated 06.08.2025 by considering the representations dated 12.08.2025 and 23.03.2026 submitted by the petitioners.

2. Heard the learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader for the respondents.

3. The petitioner herein while working as B.T. Assistant (Tamil) was placed under suspension through proceedings dated 06.08.2025 in exercise of power under Rule 17(e)(1) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, contemplating to initiate disciplinary proceedings against the petitioner. Accordingly, a charge memo dated 25.11.2025 came to be issued.



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4. In response thereto, the petitioner has submitted his explanation and the said proceedings are pending for conclusion. The short grievance of the petitioner in the present writ petition is that the order of suspension issued as early as on 06.08.2025 is not being reviewed by the competent authority in spite of specific mandate to review the suspension orders in terms of the orders issued by the Government in G.O.(Ms.)No.81, Human Resourced Management(N) Department dated 04.08.2022.

5. The learned counsel for the petitioner further submitted that the respondents have also stopped paying subsistence allowance to the petitioner from the month of January 2026, thereby disabling him to contest the disciplinary proceedings.

6. Mr.N.Satheesh Kumar, learned Additional Government Pleader strenuously contended that it is not a fit case to review the order of suspension as there are serious allegations against the petitioner that he misbehaved with girl students. He further submitted that the disciplinary proceedings were also initiated and they are progressing. The learned Additional Government Pleader contended



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that the question of review of suspension in the present case does not arise.

7. This Court has carefully considered the submissions made on either side and also perused the entire materials available on record.

8. Admittedly, the petitioner was placed under suspension as early as on 06.08.2025 and has been continuing as such even after a lapse of more than eight months and the disciplinary proceedings are pending against the petitioner. Taking into consideration all the delays and laches in conclusion of the disciplinary proceedings and the loss that is being suffered by the exchequer by paying huge amounts towards subsistence allowance, the Government issued orders in G.O.(Ms.)No.81, Human Resources Management(N) Department dated 04.08.2022 requiring the competent authorities to review the order of suspension from time to time and various guidelines have been laid down in paragraph 11 of the said Government order. Paragraph 11 reads as under:

“11. The Government, after careful examination, reiterates the guidelines issued in the Government



Order second read above with slight modification as follows:-

(i) The power of ordering suspension should be exercised carefully and with restraint. Before a suspension order is issued, the authority concerned must be clear in mind that it is necessary, Prolonged suspension means that Government pays a Government Servant without extracting any work from him. In view of the above position, the suspension should not be resorted to unless the concerned authority has considered all the relevant factors and recorded his reasoned conclusion that it is in the public interest to place the Government Servant under suspension.

(ii) Where a Government Servant has been suspended on disciplinary proceedings contemplated, such proceedings should be initiated immediately and finalized normally within a period of six months.

(iii) In cases, where a Government Servant has been suspended and the matter has been referred for investigation to the Director of Vigilance and Anti-Corruption for enquiry, the latter should complete the enquiry and send the report to Government through the Vigilance Commission within one year

(iv) In respect of cases referred to under items (ii) and (iii) above, the authority who ordered the suspension or



the Director of Vigilance and Anti-Corruption, as the case may be, should, before the expiry of the period of three months, report the matter to the Head of the Department/Government, indicating the progress of the disciplinary action/investigation by the Director of Vigilance and Anti-Corruption, the reasons for non completion of the work and the further time required for completing the disciplinary action / investigation and furnish reasons for continuing the suspension, if continued suspension is felt essential. If the authority which Initiated action in the first instance is the Head of the Department, the report has to be sent to Government.

(v) After the initial report referred to in item (iv) above, reports should be sent to Government at the end of every three months, indicating the further progress, so as to enable the Government to review the suspension and the progress of the case, for such action as may be necessary to ensure expeditious disposal.

(vi) The Head of the Department or the Government as the case may be, will examine the cases with reference to the subject matter of the disciplinary action/investigation in progress and the reported stage of progress and permit the continued suspension beyond three months/six months. Where the Government itself, have ordered suspension, it will examine the case on the same lines and



pass similar order.

(vii) The disciplinary authorities should ensure that the delay in processing the case is not due to delaying tactics of the Government Servant. They should ensure that all notices issued to the suspended Government Servant should reach him without any loss of time.

(viii) When the disciplinary authority comes to a conclusion suo-motu or after conclusion of the investigation by the Director of Vigilance and Anti-Corruption, the disciplinary authority shall, while initiating action by issue of charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or under Rule 3(b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955, as the case may be, examine with reference to the facts established, which form the basis for the charges, whether public interest or the needs for further proceedings will require continued suspension of the Government Servant already under suspension.

(ix) The time limits mentioned above will not be applicable to cases of Government Servants against whom criminal proceedings have been initiated. However, while sanctioning prosecution in such a criminal case, an examination similar to the one mentioned in item (vii) above shall be made by the



competent authority

(x) If, on examination of the case under items (vi), (viii) or (ix) above, continued suspension is considered not necessary, the suspension may be revoked in exercise of the powers conferred under Rule 17(e)(6) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or under Rule 3(e)(5) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955, as the case may be.

(xi) in cases where the charge in the criminal case involves complicated questions of law and fact and the disciplinary authority is not in a position to finalize the departmental disciplinary proceeding and if the criminal case is based on theon vigilance report and is pending before the court of law for which no reasons are explained explicitly, the authority compellent may take a decision by laking up review of suspension and post the Government Servant in a non-sensitive place in consultation with the appropriate investigating authority / Vigilance Commission case to case basis in view of the reason that prolonged suspension and paying subsistence allowance for a long period without extracting work is not at all acceptable. Such revocation of suspension can be made based on the facts of each case and after noticing the reason for the delay in serving



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the memorandum of charges / charge sheet. The decision of the Hon'ble High Court of Madras P.Kannan case, given in para 5 above, shall be taken into account.

(xii) Suspension will continue to be in force unless it is revoked as mentioned under item (x) above.”

9. In the light of the above, it is obligatory on the part of the first respondent to review the orders of suspension date 06.08.2025 taking into consideration the subsequent developments and pending disciplinary proceedings and assess whether the continuation of the petitioner under suspension is in the interest of public or in the interest of the Department or not and then pass appropriate orders. Hence, it is obligatory on the part of the first respondent to review the order of suspension issued against the petitioner. At the same time, it is also obligatory on the part of the first respondent to continue to pay the subsistence allowance in accordance with the Rules so long the petitioner is continued under suspension.

10. In the circumstances, this Court is of the considered view that it is not a fit case to go deep into the matter and it can be disposed of at admission stage itself taking into consideration the



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orders issued by the Government in G.O.(Ms.)No.81, Human Resources Management(N) Department dated 04.08.2022.

11. Accordingly, this writ petition is disposed of directing the first respondent to review the orders of suspension dated 06.08.2025 issued against the petitioner by taking into consideration the guidelines laid down by the Government in G.O.(Ms.)No.81, Human Resources Management(N) Department dated 04.08.2022, within a period of four weeks from the date of receipt of a copy of this order. The first respondent shall continue to pay the subsistence allowance to the petitioner so long he was continued under suspension. The first respondent is also directed to conclude the disciplinary proceedings pending against the petitioner as expeditiously as possible at any rate within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2026

CM



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TO

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School Education, Chennai.

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