

(2014) 06 MAD CK 0142

In the Madras High Court

Case No : W.P. No. 14949 of 2014 and M.P. No. 1 of 2014

S. Balasudhakar

APPELLANT

Vs

The Joint Director of School Education (Personnel) DPI
Campus

RESPONDENT

Date of Decision : 11-06-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 498(A)

Citation : (2014) 06 MAD CK 0142

Hon'ble Judges : S. Nagamuthu, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S. Nagamuthu, J.—The petitioner is working as BT Assistant in English Subject in the Government Boys Higher Secondary School in Attaiyampatti, Salem District. On a complaint made by his wife, a criminal case was registered in Crime No. 6 of 2013 u/s 498(A) of I.P.C. and Section 4 of Tamil Nadu Prevention of Women Harassment Act, 1998 by Rasipuram Police Station. In connection with the said case, he was arrested by the Police and remanded to judicial custody and thereafter, he came out on bail. Based on the above allegation, the petitioner has been placed under suspension by the first respondent by his proceedings in R.C. No. 57108/C3/S3/2013, dated 26.8.2013. Challenging the same, the petitioner is before this Court with this writ petition.

2. This writ petition has come up today for admission. I have heard the learned counsel for the petitioner and Mr. R. Rajeswaran, learned Special Government Pleader appearing for the respondents. I have also perused the records carefully.

3. Though the prayer in the writ petition is for quashing the order of suspension, now across the bar, the learned counsel for the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the first respondent to consider his representation dated 01.05.2014, wherein, he has requested for revocation of the suspension order.

4. At the outset, in this regard, I have to state that suspension from service cannot be made in a mechanical fashion. In this case, suspension was made for valid reason, namely, he was arrested and detained in judicial custody. But after having done so, the suspension order cannot be allowed to remain in force for ever. It should be considered by the first respondent as to whether such continued suspension is absolutely necessary in public interest. I find justification in the submission of the learned counsel for the petitioner that there is no such public interest involved at all requiring continued suspension of the petitioner. The dispute is domestic in nature i.e., between the husband and wife, which has resulted in the criminal case being registered against the petitioner. The petitioner's service may be required to teach the students in the school. The crime said to have been committed by the petitioner has got nothing to do with the discharge of his official duties. In such view of the matter, in my considered opinion, it would be appropriate for the first respondent to consider the representation of the petitioner and to revoke the order of suspension.

5. In the result, the writ petition is allowed and the first respondent is directed to consider the representation of the petitioner, dated 01.05.2014 and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.