

W.A(MD) No.1591 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 28.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.1591 of 2024
and
C.M.P.(MD)No.12450 of 2024**

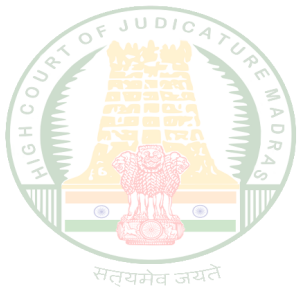
- 1.The District Collector,
Sivagangai District.
- 2.The District Education Officer,
(Elementary Education)
Sivagangai District-630 562.
- 3.The Block Educational Officer-II,
Kalaiyarkoil-630 551,
Sivagangai District.
- 4.The Headmaster,
Panchayat Union Middle School,
Mudikarai, Kalayarkoil,
Sivagangai District.

... Appellants / Respondents

Vs.

G.Raja

... Respondent / Writ Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.21781 of 2023, dated 05.10.2023.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondent : Mr.G.Prabhu Rajadurai

JUDGMENT

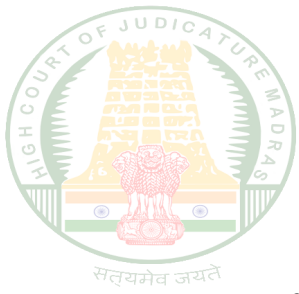
(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The department is on appeal challenging the order dated 22.06.2021 passed by the learned single Judge allowing W.P.(MD)No. 10139 of 2021.

3. The writ petitioner Raja filed W.P.(MD)No.9694 of 2020 with regard to assignment of land. The writ petition was dismissed by the Hon'ble Division Bench on 23.12.2020 in the following terms:-

“10. In view of the above, this Court deems it fit to issue the following directions:



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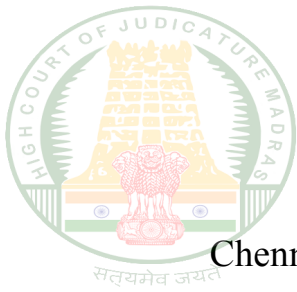
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(i) the 6th respondent shall direct the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Sivagangai, to register a case and proceed with an enquiry and to find out the persons, who are responsible for conversion of Government lands to ineligible persons.

(ii) the 4th respondent shall issue necessary instructions to the concerned officials to review all the assignment of Government lands and to ensure that only the eligible persons are the beneficiaries and necessary circulars have to be issued and reports have to be collected from the Village Administrative Officers and if any ineligible persons have also obtained assignment of Government lands, further course of actions need to be taken.

(iii) Since it is represented that patta has been issued in favour of Dr.Muthuarasan without his knowledge, his representation may be considered in two weeks and to take further action.”

Pursuant to the said direction, criminal cases were registered against the writ petitioner. He was placed under suspension on 08.10.2020. The charge memo was also served subsequently. Challenging the suspension order, Raja filed W.P.(MD)No.10139 of 2021. The learned single Judge misconstruing the decision of the Hon'ble Supreme Court reported in **(2015) 7 SCC 291 (Ajay Kumar Choudhary Vs. Union of India)** set aside the suspension order and allowed the writ petition and directed his reinstatement. The Full Bench of the Madras High Court subsequently clarified in **W.P.Nos.2165 of 2015 and 21628 of 2018, dated 15.03.2022** (P.Kannan Vs. The Commissioner of Municipal Administration,



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Chennai), that the Judgment of the Apex Court in Ajay Kumar Choudhary case does not lay down any absolute proposition of law that an order of suspension cannot be continued beyond the period of three months if the memorandum of charges has not been served within three months. On this sole ground, the order of the learned single Judge is set aside.

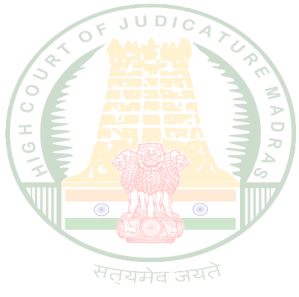
3. It is seen that subsequent to the order of the learned single Judge and pursuant to the institution of the contempt petition, the writ petitioner was reinstated. It is stated that the disciplinary proceedings are about to conclude. We leave it to the discretion of the appellant department as to what action is to be taken.

4. The Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
28.07.2025

Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.



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