



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.23932 of 2018 and

WMP (MD) .No.21649 of 2018

WEB COPY

R. Seethalakshmi ,
Chairperson,
School Management Committee,
Panchayat Union Primary School,
Karattampatti - 621 014,
Musiri Panchayat Union,
Trichy District.

... Petitioner

-vs-

1.The Government of Tamil Nadu,
rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 0006.

3.The District Collector,
Trichy District, Trichy 620 001

4.Chief Educational Officer,
Govt. Syed Murdhusa Higher
Secondary School Campus,
Madurai Road,
Trichy - 620 008.

5.The District Educational Officer,
Musiri Educational District,
Musiri,
Trichy District.

6.The Block Educational Officer - II,
Musiri - 621 211, Trichy District

7.S. Thirumeni

... Respondents



directing the respondents 1 to 3 herein to consider the petitioner's representation dated 17.09.2018 and 22.10.2018 and take action against the teacher Mr.S.Thirumeni for his illegal act of "Sexual Harassment" of Vth Standard girl students of Panchayat Union Primary School, Karattampatty, Musiri Union and against respondents 4 to 6 for their failure to take action against Mr.S. Thirumeni and to regularly post a Secondary Grade Teacher in the place of Mr.S. Thirumeni in the Panchayat Union Primary School, Karattampatty, Musiri Union, Trichy District within a time limit to be fixed by this Court.

For Petitioner : Mr.A. Thirumurthy
For R1 to R6 : Mrs.S. Srimathy
Special Government Pleader
For R7 : Mr. S.C. Herold Singh

O R D E R

This writ petition has been filed, seeking to direct the respondents 1 to 3 herein to consider the petitioner's representations dated 17.09.2018 and 22.10.2018 and take action against the teacher Mr.S.Thirumeni for his illegal act.

2. The allegation levelled against the 7th respondent is that he sexually harassed the 5th Standard girl student of Panchayat Union Primary School, Karattampatty, Musiri Union and that the complaint came to be lodged by the mother of the child. Despite the same, according to the petitioner, no Departmental action has been taken so far. In support of the contention, the learned counsel appearing for the petitioner relied on the Judgment of the Hon'ble Supreme Court reported in **1997 (6) SCC 241 (Vishakaand and others Vs. State of Rajasthan and others)**, wherein at Paragraph No.17(5), it has been held as follows:

17. ...

5. Disciplinary action:

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules."

3. The learned counsel appearing for the 7th respondent submitted that the seventh respondent has not committed any such act, as it is alleged by the petitioner and the complaint has been lodged only for the purpose of degrading him.

4. The learned Special Government Pleader appearing for the respondents 1 to 6 submitted that in the interest of justice, appropriate enquiry would be conducted after providing an opportunity to the petitioner as well as the 7th respondent and



thereafter, the authorities will proceed with the matter in the manner known to law. The said statement is recorded.

5. Considering the submission made by the learned Special Government Pleader appearing for the respondents 1 to 6, this Writ Petition stands disposed of directing the respondents 1 to 6 to conduct an enquiry within a period of eight weeks from the date of receipt of a copy of this order, by providing an opportunity of hearing to the petitioner as well as the 7th respondent. Further, they are directed to consider the claim of the petitioner on merits, with regard to the posting of regular Secondary Grade Teacher in the place of S.Thirumeni in the Panchayat Union Primary School, Karattampatty, Musiri Union, Trichy District at the earliest. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To:

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 600 009.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 0006.

3.The District Collector,
Trichy District, Trichy.

4.Chief Educational Officer,
Govt. Syed Murdhusa Higher
Secondary School Campus,
Madurai Road,
Trichy - 620 008.

5.The District Educational Officer,
Musiri Educational District,



6.The Block Educational Officer - II,
Musiri - 621 211.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-49575[F] dated
25/02/2019)

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-49556[F] dated
25/02/2019)

+1 CC to M/s.SPL GP (SR-50273[F] dated 27/02/2019)

trp

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