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W.P.No.22808 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.22808 of 2022
and
W.M.P.Nos.21848 and 21850 of 2022

A.Sivakumar
Assistant Teacher
Panchayat Union Elementary School
Edaicheruvai, Cuddalore District.

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department
St. Fort George,
Secretariat,
Chennai.

2.The State Human Rights Commission of Tamil Nadu
Rep by its Registrar
No.143, P.S.Kumarasamy Raja Salai
(Greenways Road), Chennai-600 028.

3.Santhi
Asst Teacher
Panchayat Union Elementary School
Avinangudi, Cuddalore District.

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records of the order passed by the 2nd respondent in the proceedings in SHRC Case No.7411 of 2020 dated 04.07.2022 quash the same.

For Petitioner	: Mr.C.Vigneswaran
For R1	: Mr.A.Selendran Special Government Pleader
For R2	: Mr.K.V.Sajeevkumar Special Government Pleader
For R3	: No Appearance

ORDER

(Order of the Court was delivered by R.HEMALATHA, J.)

Challenging the orders passed by the State Human Rights Commission, Chennai, the present writ petition has been filed by the 2nd respondent in SHRC Case No.7411 of 2020 on the file of the State Human Rights Commission, Chennai.

2. The 3rd respondent/complainant and the present writ petitioner were working as Assistant Teachers, Government Elementary School, E.Keeranoor Village, Cuddalore District. The grievance of the complainant is that the present writ petitioner defamed the complainant and he also came down to the school in a drunken mood and abused her



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by mentioning her caste. According to the complainant, this was brought to the knowledge of the District Educational Officer, Mangalur and during the course of enquiry proceedings the Headmistress of the school and the present writ petitioner threatened her and also segregated SC / ST students. They further abused the parents of those children in filthy language. It is therefore the contention of the complainant that the respondents in SHRC 7411/2020 violated the human rights.

3. After taking on file the complaint in SHRC 7411/2020, the State Human Rights Commission, posted the matter for appearance of the present writ petitioner and also the Headmistress of Panchayat Union Elementary School, E.Keeranoor, Cuddalore District. Though they appeared in person before the State Human Rights Commission on 21.10.2020, they did not file any counter statement, despite several opportunities given to them. Therefore, they were set *exparte* by the State Human Rights Commission and after examining the complainant/Santhi, the State Human Rights Commission made the following recommendations:-

"14. In the result, this Commission recommends as follows:-



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The Government of Tamil Nadu shall pay a compensation of Rs.1,00,000/- (Rupees One Lakh only) to the Complainant Tmt.Santhi, Secondary Grade Teacher, Panchayat Union Elementary School, E.Keeranoor, Mangalur Panchayat Union, Thittakudi Taluk, Cuddalore District, within one month from the date of receipt of a copy of this Recommendation and the Government of Tamil Nadu may recover Rs.75,000/- from the 1st Respondent and Rs.25,000/- from the 2nd Respondent.

(ii) This Commission also recommends to initiate disciplinary proceedings against the Respondents as per the Rules.

(iii) This Commission further recommends to initiate criminal prosecution against the Respondents.”

4. Mr.A.Selvendran, learned Special Government Pleader appearing for the 1st respondent submitted that based on the recommendations made by the State Human Rights Commission, Chennai, disciplinary proceedings have been initiated against the present writ petitioner.

5. Heard Mr.C.Vigneswaran, learned counsel appearing for the writ petitioner, Mr.A.Selvendran, learned Special Government Pleader



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appearing for the 1st respondent as well as Mr.K.V.Sajeevkumar, learned Special Government Pleader appearing for the 2nd respondent and perused the entire materials on record.

6. No representation on behalf of the third respondent / complainant though her name was printed in the cause list after completion of service.

7. The main contention of the present petitioner is that though he filed a counter statement during April 2022, the same was not taken into consideration by the State Human Rights Commission. This has not been refuted by the learned Special Government Pleader appearing for the 1st respondent. A copy of the said counter statement is filed in the typed set of papers.

8. A perusal of the records shows that the order by the State Human Rights Commission was passed only on 04.07.2022 and thus the counter filed by the writ petitioner during April 2022, had not been taken into consideration by the State Human Rights Commission.



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9. In such circumstances, the recommendations made by the State Human Rights Commission, Chennai in SHRC Case No.7411 of 2020, dated 04.07.2022 are set aside and the matter is remitted back to the file of the State Human Rights Commission, Chennai/the 2nd respondent herein for considering the same afresh. The State Human Rights Commission, Chennai/the 2nd respondent herein is also requested to afford opportunity to all the parties concerned and pass appropriate orders on merits as expeditiously as possible. Since the matter is remitted back to the file of State Human Rights Commission, Chennai, the Secretary to the Government, School Education Department, Chennai/the 1st respondent herein is directed to not take any further action against the writ petitioner until the matter is disposed of on merits by the State Human Rights Commission, Chennai.

10. With the above directions, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

(V.M.V., J) (R.H., J)
10.01.2023

Index : Yes / No
Internet : Yes / No
dm



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To

1. The Secretary,
Government of Tamil Nadu,
School Education Department
St. Fort George,
Secretariat,
Chennai.
2. The Registrar
The State Human Rights Commission of Tamil Nadu
No.143, P.S.Kumarasamy Raja Salai
(Greenways Road), Chennai-600 028.



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and
R.HEMALATHA, J.

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