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W.A.No.1290 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.A.No.1290 of 2019
and C.M.P.No.8778 of 2019**

The Secretary
School Education Department
Government of Teamil Nadu
Secretariat, Fort St.George
Chennai - 600 009.

... Appellant

-Vs-

1.G.Kanakaraj

2.The Commissioner
Corporation of Chennai
Rippon Buildings, Chennai 600 003.

... Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order in W.P.No.12598 of 2012 dated 21.12.2017.

For Appellant : Mr.K.V.Sajeev Kumar

Special Government Pleader

For Respondents : Mr.B.Aravind Sreevatsa

for Mr.A.Athimoolam - for R1

Mr.R.Gopinath, Standing Counsel - for R2



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J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

The respondent was a teacher working in the Corporation School ie., the second respondent. Against him, disciplinary proceedings were initiated and ultimately punishment of cut in increment for three years with cumulative effect was imposed. Challenging the same, writ petition was filed and the same was disposed of on 21.12.2017.

2. The learned Judge through the impugned order dated 21.12.2017, having set aside the said punishment, has gone further to give certain general directions, which reads thus:

"27.As this Court has already pointed out that some immediate steps will have to be taken for ensuring the psychological welfare of young students and prevent any unfortunate incidents in future, this Court feels constrained to issue some directions:-

(a).The Secretary to Government, School Education Department shall constitute a Committee headed by the Director of School Education, the respective District Chief Educational Officers, renowned academicians and psychiatrists. The said committee shall assess broadly the psychological issues the young students face today in schools and identify the same.

(b).Upon identifying the issues and problems faced by these students in School, then there shall be dedicated counseling and orientation programme conducted for all school teachers and students throughout the State.



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(c).The Teachers shall be appropriately advised and instructed how to effectively handle the children who are sensitive without using any abusive techniques.

(d).The Headmaster/Head of the particular school shall maintain periodic reports of the Counseling/Orientation and appropriate remedial action shall also be taken to address the grievances raised by the students.

(e).The Government shall take steps to ensure every School has a dedicated Counselors appointed to help children in need of emotional support.

(f).The Secretary to Government, School Education Department, Chennai, is hereby directed to file a report in respect of taking action by complying the above directions issued by this Court in this writ petition on or before 09.04.2018.

Registry is directed to list the case on 09.04.2018 for filing report."

Aggrieved against the same, the present appeal has been filed.

3. Heard Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the appellant, Mr.B.Aravind Sreevatsa, learned counsel for the first respondent and Mr.R.Gopinath, learned Standing Counsel for the second respondent Corporation.

4. Learned counsel appearing for the first respondent submitted that the order passed by the learned Judge which is impugned herein, with regard to the setting aside of the punishment the same need not to be traversed once again because the first respondent has already retired from service and he is 62 years now



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and is leading a peaceful retirement life. At this juncture, imposing of the punishment once again may not be justifiable, he contended.

5. However, the learned Special Government Pleader appearing for the appellant would contend that, it is not only the punishment that has been imposed against him was set aside by the learned Judge through the impugned order, but also in Para 27 of the order, certain general directions have been given to be complied with as mandatory one.

6. We have gone through the directions given by the learned Judge. Insofar as the giving of such directions are concerned, since it is a larger issue which can be decided at appropriate time after giving full opportunity to the State Government and after getting the opinion from a special team to be constituted in this regard as to how this system is functioning in the schools run by the Government as well as the Corporation and without ascertaining this aspect in detail and without proper materials, we feel that this kind of general directions ought not to have been given by the learned Judge.

7. In result, this Court is of the view that insofar as the setting aside of the punishment imposed against the first respondent, the impugned judgment is upheld. However, insofar as the general directions subsequently given in Para 27 of the impugned judgment is concerned, we are inclined to set aside the same and this



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kind of issue can be decided at appropriate forum in appropriate lis after evaluating the entire issue in details with thorough materials.

8. With the aforesaid observations, this writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed. In view of the aforesaid order, it is needless to mention that the first respondent is entitled to get his retiral benefits including pensionary benefits as if that he has retired without any demur on his superannuation.

(R.S.K.,J..) (K.B.,J.)

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Index : Yes/No
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