



**W.P.(MD).No.9439 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 30.11.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.9439 of 2023**

**and**

**W.M.P(MD) Nos.8425 and 8426 of 2023**

A.Arulselvan

... Petitioner

Vs.

1. The Chief Educational Officer,  
Tenkasi District,  
Tenkasi.
2. The District Educational Officer,  
Tenkasi Educational District,  
Tenkasi.
3. The Correspondent,  
S.S.V.Higher Secondary School,  
Mathapattanam,  
Koviloothu Post,  
Kadayam Via.,  
Tenkasi District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned suspension order dated 27.01.2023 and the



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consequential impugned order dated 10.03.2023 for removal of service passed by the third respondent as against the petitioner and quash the same.

For Petitioner : Mr.A.Sankararamasubramanian  
For Respondents : Mr.V.Om Prakash  
Government Advocate  
For R1 and R2  
: Mr.Mahaboob Athif – for R3

### **ORDER**

The present writ petition has been filed by a Tamil Pandit, who was working in the third respondent School, challenging the order of dismissal dated 10.03.2023.

2. Based upon the allegations made by the student relating to sexual harassment, the petitioner was placed under suspension by the School Management on 27.01.2023. A criminal case was registered as against the petitioner in Crime No.4 of 2023 on the file of the Inspector of Police, All Woman Police Station, Alangulam, Tenkasi District, dated 10.02.2023 for the alleged offences under Sections 7, 8 and 12 of Protection of Child from Sexual Offences Act, 2012. The petitioner was arrested on 11.02.2023 and he was released on bail on 09.03.2023.



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3. Before the petitioner was arrested, the Internal Compliance Committee of the third respondent School has issued a show cause notice to the writ petitioner on 03.02.2023, for which, the petitioner has submitted his explanation on 06.02.2023. Thereafter, the petitioner could not participate in the said enquiry, in view of the fact that he was arrested. The petitioner was released on bail on 09.03.2023 and immediately, an order of dismissal came to be passed on 10.03.2023.

4. This Court pointed out that the petitioner was not able to participate in the enquiry proceedings and hence, it was intending to quash the dismissal order.

5. In view of the above said facts, the School has addressed a communication to the learned counsel that they would withdraw the order of dismissal and continue with the disciplinary proceedings.

6. In view of the above said facts, this Court is inclined to pass the following order:

(i) The order impugned in the writ petition is hereby set aside;



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(ii) The third respondent Management is at liberty to issue a Charge Memo and the petitioner may be permitted to submit his explanation;

(iii) If the School Management is not satisfied with his explanation, they can appoint an enquiry officer and conduct full fledged enquiry and pass final orders; and

(iv) The enquiry shall be completed within a period of four months from the date of submission of explanation by the writ petitioner to the Charge Memo. The petitioner is directed to co-operate with the enquiry.

7. With the above said observations, this writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

**30.11.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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To

1. The Chief Educational Officer,  
Tenkasi District,  
Tenkasi.
2. The District Educational Officer,  
Tenkasi Educational District,  
Tenkasi.



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**R.VIJAYAKUMAR,J.**

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