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W.P.(MD)NO.14648 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14648 of 2023 AND
W.M.P.(MD)Nos.12368 & 12369 of 2023

M.Jomy James

... Petitioner

Vs.

1. The Principal Secretary,
School Education Department,
Chennai – 9.
2. The Director of School Education,
DPI Campus, College Road,
Chennai – 6.
3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District -1.
4. The District Educational Officer,
Kuzhithurai, Marthandam,
Kanyakumari District -165.
5. The Correspondent,
Holy Family, High School,
Arukany Kaliyal(Via),
Kanyakumari District -101.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the



records relating to the impugned proceedings issued by the 5th respondent in Ref.No.19/12 dated 20.08.2013 and to quash the same and to issue consequential direction to the 5th respondent to reinstate the petitioner into service with consequential benefit of continuity of service extra.

For Petitioner : Mr.C.Muthusaravanan

For R-1 to R-4 : Mr.N.Satheeshkumar,
Additional Government Pleader.

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 4.

2. The petitioner was working as Secondary Grade Teacher in the fifth respondent school. By the impugned order dated 20.08.2013, he was dismissed from service on the charge of having misbehaved with a girl student. The petitioner was parallelly prosecuted before the criminal Court in C.C.No.248 of 2012 on the file of the Judicial Magistrate No.I, Kuzhithurai. Vide judgment dated 04.03.2016, the petitioner was found guilty and also sentenced into a term of imprisonment. Aggrieved by the same, the petitioner filed Criminal Appeal No.38 of 2016 before the



Additional District and Sessions Judge, Kuzhithurai. On 26.08.2022, the appellate Court set aside the judgment of the trial Court and acquitted the petitioner herein. Since the criminal proceedings have ended in favour of the petitioner, the petitioner has now come forward to question the impugned order.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. I am not persuaded by the said submissions of the learned counsel appearing for the petitioner. This is for more than one reason. The allegation made against the petitioner is that he had misbehaved with a girl student who was a minor. The dismissal order was passed as early as on 20.08.2013. The petitioner has come to this Court after a lapse of ten years.

5. It is true that during the intervening period, the petitioner was facing prosecution before the criminal Court and that the proceedings



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G.R.SWAMINATHAN,J.

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