



WEB COPY



W.P.No.26709 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.26709 of 2023  
and  
W.M.P.No.26143 of 2023

R.Aravindan

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Petitioner

Vs

1. The State of Tamil Nadu,  
Represented by its Secretary,  
Education Department,  
Fort St.George,  
Chennai – 600 009.

2. Joint Director,  
Education Department (Vocational),  
College Road,  
D.P.I.Complex,  
Chennai – 600 006.

3. Chief Educational Officer,  
Dindigul – 620 001.

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Respondents

**Prayer:** Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records leading to the impugned order passed by the second respondent in ந.க.எண்.31992/வி1/இ2/2020 dated 31.08.2023 and quash the same.



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For Petitioner : Mr.C.Jagadish

For Respondents : Mrs.S.Mythreye Chandru  
Special Government Pleader

### **ORDER**

This Writ Petition has been filed challenging the order passed by the second respondent dated 31.08.2023, thereby imposed punishment of compulsory retirement of the petitioner from his service.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as Agricultural Inspector (Vocational) in the Government Higher Secondary School, Idayakottai, in the year 2009. There were several complaints from the students as well as the parents. Pursuant to the said complaints, the petitioner was served with a charge memo. Thereafter, he was placed under suspension and a show cause notice was issued. Without being satisfied with the explanation submitted by the petitioner, an enquiry was ordered. On the strength of the enquiry report, the petitioner was imposed with a punishment of stoppage of increment for two years with cumulative



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effect. Aggrieved by the same, the petitioner preferred an appeal before the second respondent. It was not disposed of and as such, the petitioner filed a writ petition before this Court in W.P.No.13594 of 2023 and this Court, by an order dated 28.04.2023, directed the second respondent to dispose of the appeal within the stipulated time. The second respondent modified the punishment from stoppage of increment for two years with cumulative effect into compulsory retirement.

4. The petitioner submitted that the second respondent, being the Appellate Authority, without giving an opportunity of hearing to the petitioner, imposed a major penalty, which is contrary to Rule 23(1) of the Power and Procedure of the Appellate Authority. When the Appellate Authority enhanced the punishment by invoking the major penalty under 17-B of the Service Rules, it ought to have conducted an enquiry and should have given an opportunity to the petitioner.

5. A perusal of the counter filed by the second respondent reveals that on receipt of the appeal from the petitioner, the second respondent issued notice to the petitioner for enquiry to be conducted for



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the major penalty under Rule 17-B of the Service Rules. On receipt of the same, the petitioner appeared before the Enquiry Officer. During the enquiry, on 08.03.2021, the girls who were affected and victims were examined which categorically proved the charges. That apart, the petitioner also accepted the charges.

6. As per the Government order in G.O.Ms.No.121, School Education Department, dated 17.05.2012, severe action should be taken on the teachers involving in sexual harassments and major punishment such as compulsory retirement, removal from service and dismissal from service should be awarded, and the educational certificates of the concerned teachers should be cancelled by the Education Department. In fact, the charges levelled against the petitioner were grave in nature and he also accepted all the charges to be true. During the enquiry, the earlier punishment of stoppage of increment for two years was cancelled and it was rightly decided to impose a major punishment of compulsory retirement by an order dated 31.08.2023. Therefore, it is clear that the petitioner was given enough opportunity of hearing and the Appellate Authority followed the procedures and passed the order. Hence, this



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Court finds no infirmity or illegality in the order passed by the second respondent. Thus, the writ petition lacks merits and is liable to be dismissed.

7. Accordingly, this Writ Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

15.02.2024

Internet: Yes  
Index : Yes/No  
Speaking/Non Speaking order  
Neutral Citation : Yes/No  
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To  
1. The Secretary,  
Education Department,  
Fort St.George,  
Chennai – 600 009.

2. Joint Director,  
Education Department (Vocational),  
College Road,  
D.P.I.Complex,  
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**G.K.ILANTHIRAIYAN. J,**

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