



WP(MD). No.14692 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 04/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.14692 of 2024
and WMP(MD) No.12883 of 2024**

Arulselvan. A

... 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,
Mathappattanam,
Koviloothu Post,
Kadayam Via,
Tenkasi District..

4. S.John Kennedy,
Advocate,
25a, Vaigarai Viduthi,
Tisayanvilai,
Tirunelveli District..

... Respondents



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PRAYER :-Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents 1 to 3 to change the enquiry officer and conducted the fair domestic enquiry in accordance with law by considering petitioner representation dated 24.06.2024 within a stipulated period as framed by this Court.

For Petitioner : Mr.A.Sankararamasubramanian,
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3.The petitioner has filed this writ petition for a direction to the respondents 1 to 3 to change the enquiry officer and conduct a fair domestic enquiry in accordance with law by considering petitioner's representation dated 24.06.2024.



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4. The petitioner, who is working as a Tamil Pandit in the 3rd respondent Management, was suspended from service on 27.01.2023 on the allegation that the petitioner sexually harassed the students of the third respondent management. Pursuant to the disciplinary proceedings initiated, enquiry was conducted and certain witnesses were examined. In order to examine some more witnesses, the petitioner has preferred an application, which was not considered and hence, the petitioner is before this Court.

5. The learned counsel for the petitioner submitted that from the side of the department, there are eight witnesses have been examined, despite 19 witnesses have been cited. The petitioner filed an application before the enquiry officer in order to cross-examine some of the departmental witnesses on his side. However, the same has not been permitted by the enquiry officer.

6. It appears from the records that the petitioner has been charged for sexual harassment against the students of the school. In such case, the enquiry officer has to conduct the enquiry with all sensitivity and the



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petitioner cannot expect to recall the students as witnesses repeatedly.

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7. Since the petitioner had made an application to the third respondent Management, this writ petition is disposed of by directing the the third respondent management to consider the application of the petitioner on merits and pass appropriate orders. No costs. Consequently connected Miscellaneous Petition is closed.

04.07.2024

RR

TO

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



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R.N.MANJULA,J

RR

**ORDER
IN
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