



W.P.(MD) No.11845 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.11845 of 2018

I.Vijayalakshmi

... Petitioner

Vs.

- 1.State of Tamil Nadu Rep. by,
The Principal Secretary,
State of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai - 600 009.
- 2.The Principal Secretary,
State of Tamil Nadu,
Adi Dravidar Welfare Department,
Fort St. George,
Chennai - 600 009.
- 3.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.
- 4.The Inspector General of Police,
Office of the Inspector General of Police,
South Zone, Madurai.
- 5.The District Collector,
Office of the District Collector,
Virudhunagar District.



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6.The Chief Educational Officer,
Office of the Chief Educational Officer,
Virudhunagar District.

7.The Superintendent of Police,
Office of the Superintendent of Police,
DPO, Collectorate,
Virudhunagar District.

8.The Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents to conduct enquiry and to take appropriate action in accordance with law on the basis of the representation preferred by the petitioner, dated 14.03.2018, consequently, to direct the respondents to pay compensation to the petitioner's daughter namely, Dhanalakshmi, aged about 12 years, who was compelled to clean toilets and do scavenger works and affected by discrimination in Government High School, Inamreddiyapatti, Virudhunagar District, in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For R1, R2, R5 & R6: Mr.J.Amjadkhan
Government Advocate

For R3, R4, R7 & R8: Mr.S.Manikandan
Government Advocate (Criminal side)



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ORDER

WEB COPY This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to conduct enquiry and to take appropriate action in accordance with law on the basis of the representation of the petitioner, dated 14.03.2018, consequently, to direct the respondents to pay compensation to the petitioner's daughter namely, Dhanalakshmi, aged about 12 years, who was compelled to clean toilets and do scavenger works and affected by discrimination in Government High School, Inamreddiyapatti, Virudhunagar District, in accordance with law, within a time frame.

2. According to the petitioner, the petitioner's young daughter namely, Dhanalakshmi, who was aged about 12 years and studying VII Standard in Government High School, Inamreddiyapatti, Virudhunagar District, was abused by one Solaimalai, who was working as Scavenger in the School, and forced her to clean the toilet in the School. It is, in this background, the petitioner appears to have given representations dated 14.02.2018 and 14.03.2018, asking the School authorities to take suitable action against the said Solaimalai, who was working as Scavenger in the School.



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3. A counter affidavit has been filed by the eighth respondent stating that there was a dispute between the Physical Education Teacher, namely, Balachandar belonging to the same community as that of the petitioner and the said Solaimalai and therefore, the said Balachandar had instigated the petitioner to play alleging that the said Solaimalai had abused the children in the School. Paragraphs 7 and 8 of the counter affidavit filed by the eighth respondent read as under:-

"7. I humbly submit that the investigation reveals that there is a enmity between the said Balachandar (belongs to Schedule Caste Community) working as Physical Education Teacher at Inam Rettiyapatti High School and one Solaimalai (belongs to Thevar Community) working as scavenger in the same school and due their enmity the said Balachandar instigated the village peoples (belongs to Schedule Caste Community) to conduct agitation and also direct them to lodge various complaints before the various authorities.

8. I humbly submit that apart from the above said issue there is some caste problem between the Schedule Caste Community and Naickar Community and the boys who were studied in Inam Rettiyapatti High School (belongs to Schedule Caste Community) harass one Ramya (who is belongs to Naickar Community) and in this connection with a case was registered in Crime No.80/18 under Sections 341, 294(b), 354(B), 323, 506(i) IPC and the same is under investigation on the hands of 8th respondent police. Further as revenge action the Petitioner and Schedule Caste Community Some people Threatened with kerosene Concerned School premises to split the



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kerosene to burn to all the High School teachers and on the complaint lodged by one Raghuraman (who is working as teacher in Inam Reddiyapatti High School) a case was registered in Crime No.86/18 under Sections 147, 148, 294(b), 353, 307 r/w 109 IPC and on investigation the respondent police found that on the instigation of the said Balachandar only the accused persons, he was on the instigation the problem the Naickar Community people and hence he was arrested by the 8th respondent police and remanded to the judicial custody. Now he is suspended his Department. Further another case was registered on the complaint lodged by one Veerabharathi, Son of Raj (who is studying 10th Std., at Inam Reddiyapatti High School) in Cr.No.81/2018 under Sections 147, 294(b), 323 IPC and 3(i) (r) (s), 3(2) (v) (A) of SC/ST (POA) Act 2015 and the investigation of the case was completed and charge sheet filed before he Special Sessions Court, Srivilliputhur and taken on file in Spl.S.C.No. 30/2018 and pending trial. Further in this case the Deputy Superintendent of Police, Virudhunagar Sub Division, who is the investigation officer in this case sent recommendation to the District Collector, Virudhunagar District, for getting compensation Rs.1 Lakh to the victim in this case."

4. The learned Government Advocate for the respondents 1, 2, 5 and 6 has referred to the communication of the Chief Educational Officer, Virudhunagar, dated 27.09.2018, addressed to the Joint Director, School Education Department, Chennai, in connection with the alleged abuse by the said Solaimalai and another communication of the Chief Educational



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Officer, Virudhunagar, dated 04.04.2024, addressed to the learned Government Advocate, reiterating the position stating that the said Balachandar was suspended from service and subsequently, the order of suspension has been revoked and that the said Solaimalai has been promoted as a Junior Assistant and that there was no case made out for the alleged complaint that the petitioner's daughter was abused.

5. I have considered the arguments advanced by the learned counsel appearing for the parties.

6. The dispute is of the year 2018. The petitioner's daughter would have completed the school by this time and would be perhaps pursuing higher education. The so-called abuse by the said Solaimalai appears to be improbable in the light of the findings by the authorities. It appears that the petitioner has acted on behalf of the said Balachandar, Physical Education Teacher, who had a personal enmity with the said Solaimalai and therefore, the petitioner has come forward to take cudgel on his behalf. Unfortunately, the petitioner's daughter has been dragged in the above said proceedings. It was unwarranted. In any event, the authorities are directed to ensure that such discriminations and abuses are not



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practiced in the precincts of the School and high value are instilled not only among the pupil studying in the Schools but also among the teachers and assistants, who are working in the School. In case, the people are found resorting to such abuses in public place, they should be suspended and removed from service as expeditiously as possible, as the practice is pernicious and creates divide in the Society.

7. This Writ Petition stands dismissed with the above observations.

No costs.

05.04.2024

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

To

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State of Tamil Nadu,
School Education Department,
Fort St. George,
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State of Tamil Nadu,
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C.SARAVANAN, J.

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