



W.P.No.4507 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2025

CORAM:

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

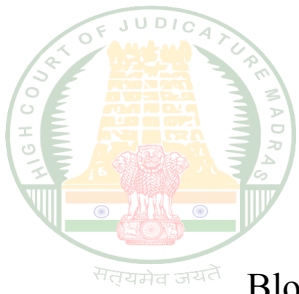
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Kamatchi Shanker Arumugam

... Petitioner

Vs.

1. Tamil Nadu School Education Department,  
Rep.by its Principal Secretary,  
Secretariat, Fort St. George,  
Chennai – 600009.
2. The Head Master,  
Panchayat Union Middle School,  
Bodipatti, Udumalpet Taluk,  
Tiruppur District – 642154.
3. The Director of Elementary Education,  
Directorate of Elementary Education,  
DPI Campus, Chennai – 600 006.
4. The District Education Officer (Elementary),  
District Educational Office (Elementary),  
Thiruppur, Govt.H.S.S.Campus,  
Tharapuram – 638 656.
5. The Block Education Officer,



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Block Educational Office, Govt.H.S.S. Campus,  
Rajendra Salai, Udumalaipet – 642 124.  
(R3 to R5 are suo motu impleaded as per order  
dated 23.02.2024 in W.P.No.4507 of 2024)

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Mandamus, (2) directing the first respondent to implement the “Guidelines for Elimination of Corporal Punishment in Schools (GECp)” provided by National Commission for Protection of Child Rights (NCPCR) or any other equally efficient set of guidelines and protocol to eliminate corporal punishment, across all schools in Tamilnadu, under the Control of Tamilnadu School Education Department, with immediate effect disseminating necessary training, periodic (weekly & monthly) reminders to teachers and students, so that the petitioner's daughter can learn in an ethical environment. To ensure compliance by respondents, they request that this Court include a compliance checking date in the files of this Writ Petition. This will hold the respondents accountable for acting within the stipulated time frame.

2. For an appropriate Writ of Mandamus, directing the respondents to pay the petitioner, a nominal compensation (found appropriate by this Court) for each day of no response and inaction, from the 31<sup>st</sup> day after grievance (dated 07.09.2023) submission till redressal, payable by the respondents for their negligence and non-compliance with the grievance redressal process stipulated in G.O.(Ms) No.73 dated 11.06.2018, issued by the Government of Tamilnadu, we request this Court to include a compliance checking date in the files of this Writ Petition to guarantee



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adherence by the respondents. This compensation serves as a reminder of the consequences of neglecting their duties and the emotional toll their inaction has caused us.

For Petitioner : Mr.Kamatchi Shanker Arumugam  
(party-in-person)

For Respondents: Mr.S.Prabhakaran,  
Government Advocate

### **ORDER**

This Writ Petition has been filed to direct the first respondent to implement the Guidelines for Elimination of Corporal Punishment in Schools (GECPS) provided by the National Commission for Protection of Child Rights (NCPCR), and also seeking compensation for the inaction of the respondents on the grievance petition filed by the petitioner, as per G.O.(Ms).No.73 dated 11.06.2018.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. While the Writ Petition was pending, this Court passed an interim order dated 23.04.2024, as follows:-



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*“The petitioner-in-person Mr.Kamatchi Shanker Arumugam instituted the present writ proceedings to grant a Writ of Mandamus to direct the first respondent to implement the Guidelines for Elimination of Corporal Punishment in Schools (GECP) provided by the National Commission for Protection of Child Rights (NCPCR) and further reliefs sought for are relating to grant of nominal compensation regarding the incident occurred to his daughter in the school.*

*2. The respondents are yet to file their counter-affidavit. However, the petitioner-in-person articulated his case by stating that the guidelines issued by the National Commission for Protection of Child Rights, are to be implemented by the Government of Tamil Nadu, in order to recognise the child rights.*

*3. Corporal punishments of any form is completely unacceptable and prohibited under Section 17(1) of the Right of Children to Free and Compulsory Education Act, 2009. A child in his / her growing years require a safe and caring environment. Any untoward experiences for the child may have a long lasting unpleasant impression, capable of shaping the characteristic of the child in unpalatable ways. Corporal punishment is never the solution to guide the*



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*child. The children have to be inspired by the respectful and dignified conduct of the adults. Controlling the child with unjustifiable measures will serve no purpose and do more harm than good. Patience is the key quality required for handling children.*

*4. We as a society are the key player in successfully transforming the children. In the earlier centuries, child rights never existed. Children were treated with little respect and it was only in the recent century that child rights have evolved and the needs and safety of the child are given topmost priority. It is in recent years that major reforms in upbringing of children have been brought about including the prohibition of corporal punishment. Moving forward, it is only right that the society works towards evolution of child rights. The wishes and voices of the children must be heard. Children, especially in the formative years, must be allowed to grow in a safe and secure environment and be allowed to express themselves in their own voices. Trying to downsize their voices and views by imposing corporal punishments is not the answer. We must let them grow in their own space and at their own pace. Each child is different and unique. No common method of upbringing can be adopted for all the children. We can monitor them but can never suppress them. The next*



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*era of child rights must move forward with a better and more equipped and pragmatic approach where the children are better heard and treated with more respect. We need to be more receptive to the needs of the children. We have to start listening to them.*

*5. Child rights are globally recognised and India is signatory in several accords. Therefore, the well being, mental health, environment in schools, are to be closely monitored and to be maintained by the competent authorities of the Education Department in the 'State'.*

*6. Good parents and well behaved children constitute a happy family. Happy families alone can constitute a good Nation and our Great Nation can proceed towards development and to reach great heights globally. Therefore, the importance of the well being of the children are to be concentrated by the parents, the schools and the 'State' authorities in general. Children must be taught to acquire multi-dimensional knowledge, which would be of greater assistance to transform them as good citizens. Good citizen alone can contribute for the development of our great Nation. Therefore, implementation of such guidelines issued by the National Commission for Protection of Child Rights are of paramount importance.*



7. *The petitioner has made out a prima facie case for issuing interim directions in the present writ petition.*

8. *Learned Government Advocate states that the Government of Tamil Nadu is pro-active in implementing Child Rights and steps are taken to prevent untoward incident including imposing corporal punishments in the schools across the State of Tamil Nadu.*

**9. Thus, this Court is incline to issue the following directions:-**

(1) *The first respondent-Principal Secretary to Government, School Education Department, is directed to implement the Guidelines for Elimination of Corporal Punishment in Schools (GECP) provided by the National Commission for Protection of Child Rights (NCPCR).*

(2) *The guidelines are directed to be communicated to all the Educational Institutions across the State of Tamil Nadu and to the District Educational Authorities, who in turn, are directed to sensitise the Authorities, so as to follow the guidelines scrupulously to protect the mental health of the children, studying in the schools.*

(3) *In this regard, suitable instructions are directed to be issued to the District Educational Authorities to conduct Seminars/Awareness Camps etc., for the purpose of creating awareness regarding the guidelines issued by the National*



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*Commission for Protection of Child Rights (NCPCR), so as to implement the same effectively.*

*(4) In the event of any complaint in this regard, actions are to be initiated scrupulously by the Competent Authorities. If any lapse, dereliction or negligence are noticed, the Authorities Competent must be subjected to departmental disciplinary proceedings under the Service Rules.*

*(5) The idea is not only for elimination of corporal punishment in schools, any indirect form of harassing the children or circumstances affecting the mental health of the children, are also to be taken note of and suitable remedial measures are to be provided by the Competent Educational Authorities.*

*(6) In this context, in order to effectively implement the guidelines, the first respondent shall direct all the District Educational Authorities to constitute Monitoring Committees in each schools headed by the Head of the Institution, parents, teachers, senior students etc., as decided by the Government and such Monitoring Committees shall ensure that the guidelines are implemented scrupulously and any untoward incidents or any different behaviour of the staff members and the children, are brought to the notice of the Authorities, for initiation of remedial measures, the first respondent is*



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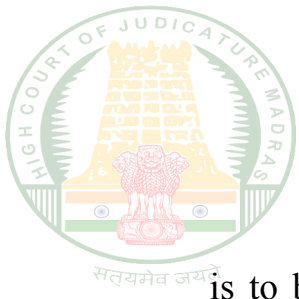
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*directed to issue the guidelines in consonance with the Clauses 7.8 and 7.9 of the Guidelines for Elimination of Corporal Punishment in Schools (GECP).*

*(7) The consolidated Circular/Instructions are directed to be issued, within a period of five weeks from the date of receipt of a copy of this order.”*

4. As per the above interim order passed by this Court, the Director of School Education and the Director of Elementary Education jointly issued proceedings dated 26.04.2024. The above proceedings were circulated to all the Chief Educational Officers, all the District Educational Officers (Secondary), and all the District Educational Officers (Elementary) for implementation. Accordingly, the guidelines are now being strictly complied with. Insofar as the second limb of the prayer in this Writ Petition is concerned, the petitioner sought compensation for the lack of response and inaction from the date of his grievance petition till its redressal, as stipulated in G.O.(Ms).No.73 dated 11.06.2018.

5. On perusal of the above G.O.(Ms).No.73 dated 11.06.2018, it is revealed that the Government issued an order that the grievance petition



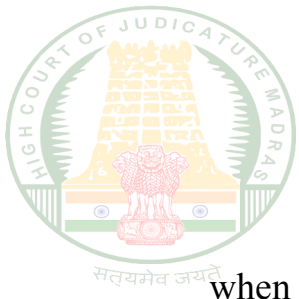
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is to be acknowledged within a period of three days. On receipt of the grievance petition, the grievance is to be redressed by the concerned Department within a period of one month. If the grievance is not in accordance with the law, it can be rejected with reasons.

6. The case of the petitioner is that though the petitioner submitted a grievance petition on 07.09.2023 for implementation of the Guidelines for Elimination of Corporal Punishment in Schools, it was not considered. As such, the petitioner was constrained to file this Writ Petition. Now, in view of the interim order passed by this Court, proceedings were issued to all Education Departments to implement the guidelines.

7. On perusal of the counter affidavit filed by the fourth respondent and the submission made by the learned Government Advocate, it is revealed that the petitioner is the father of one student, viz., Naanaaru Ridhanya, who is studying in IV standard in Bodipatti Panchayat Union Middle School, Tiruppur District. Further, her class teacher instructed the class leader, viz., the daughter of the petitioner, to monitor the students



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when the teacher went for a short break during that time. Therefore, the petitioner's daughter, being a class leader, hit one of the students. Thereafter, the parent of the said student went to the house of the petitioner and shouted at him. Therefore, the petitioner submitted the said grievance petition.

8. On receipt of the same, it was forwarded to the fifth respondent, and they also conducted an enquiry. During the enquiry, an explanation was sought from the class teacher and also from the Head Master of the School. Thereafter, the fifth respondent assured the petitioner that the teacher would be instructed about Article 39(f) of the Constitution of India, the National Education Policy, and Section 17 of the Right to Education Act, 2009.

9. In view of the above, the grievance of the petitioner was clearly addressed by the fifth respondent after due enquiry. Hence, the petitioner is not entitled to any compensation for non-implementation of the petitioner's grievance petition, as per G.O.(Ms).No.73 dated 11.06.2018.

10. In the result, this Writ Petition is dismissed. No costs.



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Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
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Rep.by its Principal Secretary,  
Secretariat, Fort St. George,  
Chennai – 600009.
2. The Head Master,  
Panchayat Union Middle School,  
Bodipatti, Udumalpet Taluk,  
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4. The District Education Officer (Elementary),  
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**G.K.ILANTHIRAIYAN, J.**

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