



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

W.P.No.7876 of 2025
and WMP.No.8859 & 8861 of 2025

Balakrishnan

.... Petitioner

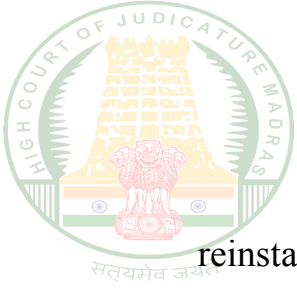
Vs

1. The Joint Director of School Education
(Personnel),
School Education Department,
Chennai 600 006.

2. The Chief Educational Officer,
School Education Department,
Perambalur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in R.C.No.48716/C3/S1/2024 dated 05.08.2024 (signed on 06.08.2024) by placing the petitioner under suspension with immediate effect and quash the same and consequently direct the first respondent to



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reinstate the petitioner into service, with all attendant and monetary benefits within the time limit fixed by this Court.

For Petitioner(s) : Mr.M.Vijaya Ragavan

For Respondent(s) : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in R.C.No.48716/C3/S1/2024 dated 05.08.2024 (signed on 06.08.2024) by placing the petitioner under suspension with immediate effect and quash the same and consequently direct the first respondent to reinstate the petitioner into service, with all attendant and monetary benefits.

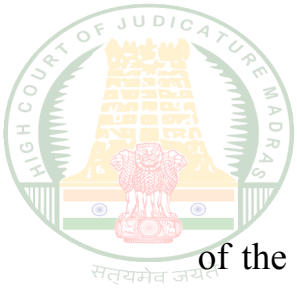
2. In the affidavit filed in support of the writ petition it had been contended that the petitioner was working as B.T.Assistant (English) in Government High School, Paravai, Perambalur district. It had been stated that earlier the petitioner was working as Teacher in Government Higher Secondary School, Poolambadi, Perambalur district. While so, one Murali



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was the Assistant Head Master of the said school. It is claimed that he had lodged a false complaint on 19.11.2024 as if on 05.09.2023 the petitioner had committed sexual assault on a female student who was studying in 7th standard. Based on the said complaint FIR was registered in Crime No.75 of 2024 by the Inspector of Police, All Women Police Station, Perambalur for the offence under Section 9 (f) and 10 of POCSO Act, 2012. It had been further stated that the petitioner had been placed under suspension by order dated 05.08.2024 (signed on 06.08.2024). It had been contended that charge memo had not been issued to the petitioner. Claiming that order of suspension should be revoked, the writ petition has been filed.

3. The learned counsel for the petitioner placed reliance on the purported letter dated 16.08.2024 in Na.Ka.No.116/2024 issued by the Head Master, Government Higher Secondary School Poolambadi, Perambalur district addressed to the Chief Educational Officer at Perambalur that the complaint need not be proceeded with since it had been lodged on a misrepresentation. Along with this, the letter from the parents of the victim child had also been enclosed. In that particular letter

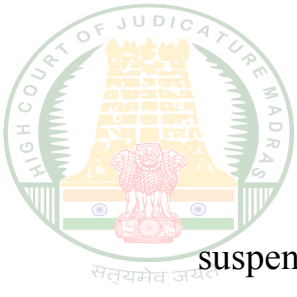


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of the parents the thumb impression of the victim child had been affixed.

The victim child was admittedly studying in 7th standard. Any child studying in 7th standard can always affix her signature. It is not required that she should be considered so reluctant to affix her signature that the thumb impression should be obtained. The veracity of these letters can only be tested during the course of trial. At any rate it is the prerogative of the investigating officer to proceed further with the investigation and file a final report as contemplated under the provisions of POCSO Act. The Court cannot act on these letters provided by the Head Master who was the defacto complainant. It could also be interpreted as pressure being exerted by the petitioner on the parents of the child and on the Head Master to write such letters.

4. I am not inclined to take judicial note of these letters. They may be considered during the course of trial in appropriate manner and appreciated during evidence by the trial Judge who is conducting trial in the POCSO case. I am not inclined to interfere with the order of suspension. It is also to be noted that the petitioner had been placed under



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suspension by the 2nd respondent. The 2nd respondent had received this particular communication from the Head Master on 16.08.2024 and had, very sensibly, not taken any action consequent to such letter. No authority can take action on such letter issued by the Head Master withdrawing a complaint. The victim child is studying in 7th standard and is a minor and requires care, requires protection and requires guidance and comfort. This cannot be provided by those who had written a letter withdrawing a complaint of sexual harrasement.

5. Accordingly, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are also closed.

03.04.2025

dpq

Index : Yes /No

Speaking Order : Yes/No



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C.V.KARTHIKEYAN, J.

dpq

To

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(Personnel),
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