



WEB COPY



W.A.No.896 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.896 of 2025

and

C.M.P.No.7557 of 2025

C.Shanmugam

... Appellant

Vs.

1.The Joint Director of School Education (Personal),
Directorate of School Education,
DPI Compound, Chennai - 6.

2.The Chief Educational Officer,
Old Railway Station Road,
Erode - 3.

3.The Head Master,
Government Higher Secondary School,
A Semmbulichampalayam,
Erode District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 14.03.2025 made in W.P.No.8565 of 2025.

For Appellant : Mr.N.Manoharan

For Respondents : Mr.R.Neethi Perumal,
Government Advocate



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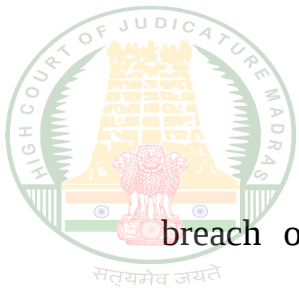
JUDGMENT

(Judgment of the Court was delivered by ***R.SUBRAMANIAN, J.***)

The orders of transfer were under challenge before the learned Single Judge. The transfer was effected pursuant to the directions issued by the Government in Letter No.efile.37/GL1(2)/2025-1, dated 20.02.2025 requiring the School Education Department to transfer teachers who are involved in POCSO cases to other Districts.

2. The fact that the appellant was involved in POCSO case is not in dispute. But, we must state here that the appellant was acquitted in the criminal case and the domestic enquiry against him was also dropped. The acquittal in the criminal case is by giving him the benefit of doubt. Therefore, the Authorities transferred him to a School in the neighbouring District viz., Krishnagiri instead of Erode.

3. Though Mr.N.Manoharan, learned counsel appearing for the appellant would vehemently contend that the transfer is punitive in nature and it is in



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breach of his right to be forgotten. We are unable to countenance the submission of the learned counsel.

4. The transfer is incidence of service and it cannot be considered to be punitive. The learned Single Judge has not gone into the allegations against the appellant in the criminal case. We also desist from going into it, as we will be getting into re-trial of the criminal case as well as the disciplinary proceedings. As rightly pointed out by the learned Single Judge it will be better for the appellant to work in a completely new atmosphere without being in the shadow of the environment in the District where he faced the POCSO charges.

5. Hence we see no reason to interfere with the order of the writ Court. The Writ Appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (G.A.M.,J.)
26.03.2025

dsa

Index : No

Neutral Citation : No

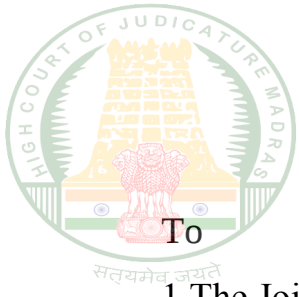
Speaking order



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To

1. The Joint Director of School Education (Personal),
Directorate of School Education,
DPI Compound, Chennai - 6.
2. The Chief Educational Officer,
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3. The Head Master,
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R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

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