



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2025

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THE HON'BLE MR. JUSTICE BATTU DEVANAND

W.P.No.11932 of 2021

and

WMP.No.12685 of 2021

S.Revathi

... Petitioner

Vs.

1. The Director of School Education,
DPI Campus, Chennai 600 006.
2. The Joint Director of School Education (Personnel),
Chennai 600 006.
3. The Joint Director of School Education
(Higher Secondary),
Chennai 600 006.
4. The Chief Educational Officer,
Collectorate Campus, Salem 636 001.
5. The District Educational Officer,
Sankari – Edappadi – Mecheri Rd,
Edappadi, Salem District 637 101.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to R.C.No.3919/C1/2020, dated 19.04.2021 issued by the fourth respondent and to quash the same and consequently direct the respondents to reinstate the petitioner in service, with full back wages, continuity of service and other service benefits.

For Petitioner : Mr.M.Malaviya

For Respondents : Mr.M.Suresh Kumar, AAG
Assisted by Mr.P.Raja Rajeswari, G.A.,

ORDER

This Writ Petition has been filed against the proceedings of the fourth respondent in R.C.No.3919/C1/2020, dated 19.04.2021, whereby the petitioner was removed from service.

2. The learned counsel for the petitioner would submit that the petitioner was working as a Tamil Teacher in Government School, Thevur. The petitioner's native place is Gengavalli, which is 122 Kms. from her work place and it is difficult for her to travel from Gengavalli to Thevur. While she was searching for rented accommodation near workplace, one Mr.Dilipkumar, who was also working as teacher in the same School,



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enticed her to his house on the pretext that he has a vacant house. During the month of August 2017, she went to the said Dilipkumar's house and he offered cake and cool drinks. At that time, nobody was in the house. On drinking the cool drinks, she became unconscious. On regaining consciousness, she found that she was lying naked and raped by the said Dilipkumar. Therefore, she approached the Police and lodged a complaint against Dilipkumar. The said Dilipkumar assured to marry the petitioner in the presence of concerned Police and accordingly, she had withdrawn the complaint.

3. The said Mr.Dilipkumar married her on 17.11.2017 at Lord Murugan Temple, Vazhapadi. Subsequently, they both lived together and was blessed with a girl child. Thereafter, the petitioner came to know that the said Dilipkumar was already married and have 2 children. After some arguments, the petitioner was allowed to stay in the house in Door No.62, First Floor, Vinayagarkoil Street, Thevur and the first wife of Dilipkumar was staying in the ground floor. On 03.01.2020, the family members of Dilipkumar including his wife threatened her to vacate the house. They intimidated her using filthy language and threatened her to

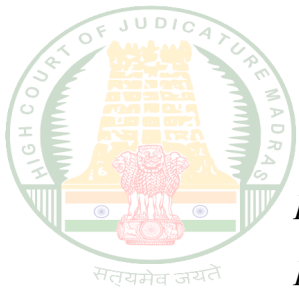


receive Rs.5 Lakhs as compensation and leave the house. On 04.01.2020, the petitioner filed a complaint in the All Women Police Station, Sangagiri.

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Thereafter also, continuous threat and harassment from them and hence, the petitioner sent a representation dated 12.05.2020 to the District Social Welfare Officer, Salem and to the District Collector, Salem, but there was no action. Aggrieved by the inaction of the concerned officers, the petitioner filed Writ Petition No.1329 of 2021 before this Court. The said Writ Petition was disposed of by this Court by order dated 27.01.2021 with the following observations:

“4. In the considered view of this Court, the petitioner has taken sufficient steps by giving a complaint before the Social Welfare Officer. The grievance of the petitioner is that the Social Welfare Officer has not acted upon the complaints even though the duty is cast upon the officer under Section 9 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter called to as 'The Act'). If the Social Welfare Officer does not act upon the complaint, it is not as if the petitioner is remedy less. The petitioner can directly file an application before the concerned Magistrate under Section 12 of the Act and work out her remedy and seek for the reliefs under the Act. Once such an independent right is given to a aggrieved party under the Act, it is not necessary for the



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petitioner to be dependent upon to the 4th respondent and the petitioner can directly approach the concerned Magistrate and work out her remedy. The petitioner, at the time of filing the application, before the concerned Magistrate Court, can also file a copy of this order to enable the learned Magistrate to proceed further in accordance with law. The learned Magistrate shall also call upon the Social Welfare Officer and enquire as to why the complaint given by the petitioner, was not acted upon. Except giving this liberty to the petitioner, no further orders can be passed in this case ”

4. Pursuant to the order of this Court in the said Writ Petition, the petitioner sent a legal notice to the District Social Welfare Officer, Salem marking a copy to the District Collector, Salem to take appropriate legal action. But no action has been taken in spite of the Court order also.

5. The learned counsel further contends that all of a sudden on 10.03.2021, the petitioner was instructed by the School Head Master, Thevur that there will be an enquiry at about 11.30 a.m. by the Visaka Committee, just few minutes prior to the enquiry. However, the petitioner



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participated in the enquiry and fully cooperated the enquiry. As copy of the report has not been furnished to the petitioner, she did not know what was there in the said report. While so, the petitioner received the order dated 19.04.2021 from the fourth respondent imposing a major punishment of removal from service with immediate effect. Aggrieved by the said order, the present Writ Petition is filed.

6. The learned counsel for the petitioner would submit that copy of the enquiry report of the Visaka Committee has not been furnished to the petitioner and no notice was issued to the petitioner before passing the impugned order, which is against the principles of natural justice. The learned counsel further submits that the order of the fourth respondent removing the petitioner from service is illegal, arbitrary and contrary to law.

7. The learned counsel further contends that the District Social Welfare Officer did not take any action pursuant to the order dated 27.01.2021 in WP.No.1329 of 2021.



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8. The learned counsel further contends that as against the alleged misconduct against the petitioner, the impugned order would have been passed only after issuing charge memo and holding personal enquiry and the said procedures were not followed in the present case. In view of these facts, the learned counsel submits that the impugned order is *ex facie* illegal, contrary to the settled law and is in violation of principles of natural justice. Therefore, it is liable to be quashed and consequential direction to be issued to the respondents to reinstate the petitioner with full back wages with continuity of service and other service benefits.

9. On the other hand, Mr.Suresh Kumar, Additional Advocate General appearing for the respondents would submit that the petitioner is a Government Teacher and the allegation levelled against her is with regard to the misconduct of personal immorality and moral turpitude, and as such, the order of removal was passed basing on the report of the Visaka Committee constituted by the fourth respondent.

10. While answering the queries posed by this Court on 03.06.2025, the Additional Advocate General basing on the averments made in the



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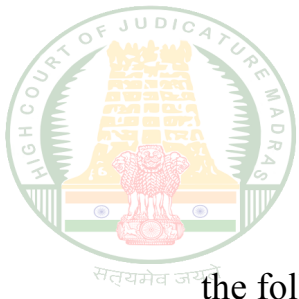
affidavit filed by the fourth respondent, submitted that the copy of the Visaka Committee Report was not furnished to the petitioner and no notice was issued to the petitioner before passing the impugned order. He further submitted that the impugned order was issued against the principles of natural justice and now the respondents are ready to withdraw the impugned order and sought time. Accordingly, this case is posted today.

11. The fourth respondent personally present before this Court today. During the course of hearing, the learned Additional Advocate General placed a copy of the proceedings of the fourth respondent dated 11.06.2025, wherein the order dated 19.04.2021 of the fourth respondent is withdrawn as it is issued against the principles of natural justice and without following the procedures as contemplated under the Tamil Nadu Services (Discipline and Appeal) Rules, 1955. It is further stated in the said order that departmental enquiry procedures would be initiated against the individual as per the Tamil Nadu Services (Discipline and Appeal) Rules, 1955 and appropriate steps would be set in motion on the outcome of the enquiry. The said order is placed on record.



WEB COPY 12. On bare perusal of the order dated 11.06.2025, it is clear that the original order of removal of service dated 19.04.2021 was issued without following the procedures contemplated under law and against the principles of natural justice. Therefore, the impugned order is liable to be quashed on the said grounds. However, now the impugned order itself has been withdrawn by the respondents. As such, there is no necessity for this Court to quash the said order. In the light of the order dated 11.06.2025 of the fourth respondent, the impugned order dated 19.04.2021 is not in existence. Accordingly, the petitioner is entitled for consequential relief sought in this Writ Petition.

13. It is made clear that if the respondents intends to proceed further against the petitioner, they have to follow due procedures provided under law and the relevant Rules.



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14. For the aforesaid reasons, this Writ Petition is disposed of with the following directions:

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i) Consequent to the proceedings dated 11.06.2025 of the fourth respondent, the respondents are directed to reinstate the petitioner into service forthwith with continuity of service.

ii) The respondents are directed to pay backwages and other benefits within a period of three months from today.

No costs. Consequently, connected miscellaneous petition is closed.

11.06.2025

pvs

Note: Issue order copy on 12.06.2025

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No



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To

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