



W.P.(MD)No.3424 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.3424 of 2025

and

W.M.P(MD)Nos.2427 and 2428 of 2025

T.Mariarajan

... Petitioner

Vs.

1.The Director of Medical Education and Research,
No.162, EVR Periyar Salai,
Kilapauk,
Chennai – 600 010.

2.The Dean,
Tirunelveli Government Medical College Hospital,
Tirunelveli District – 627011.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records on the file of the first respondent pertaining to its proceedings in Ref.No.12291/E5/1/2024-01, dated 23.01.2025 and the consequential proceeding of the second respondent bearing Ref.No.16848/E3/2024-1, dated 29.01.2025 and to quash the same.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.T.Amjad Khan
Government Advocate



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ORDER

This writ petition has been filed against the proceedings, dated 23.01.2025 of the first respondent and consequential proceedings of the second respondent, dated 29.01.2025.

2. The case of the petitioner is that he was working as a Radiographer at the second respondent College. On 25.08.2023, at about 09.12 p.m., one Selvan called the petitioner over phone and uttered filthy language against him. As the said action is not first action, he started recording the conversation with Selvan. The said incident was immediately reported to the second respondent and to the higher authorities, but there was no action. Thereafter, while the petitioner was on duty on 28.11.2024, the said Selvan brutally attacked the petitioner. Having sustained injuries, he was admitted in the hospital. A case was registered in Crime No.125 of 2024 against the said Selvan. Even though, the same was took place within the premise of the second respondent, no effective steps are taken departmentally as against the said Selvan. The petitioner also reported to the Police that the inaction of the police resulted in previous incident. He filed a petition under Section 156(3) of IPC in Cr.M.P(MD)No.279 of 2025 before Judicial Magistrate No.I, Tirunelveli. While the facts stood thus, the second



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respondent issued impugned order transferring the petitioner from the second respondent office to Government College Hospital, Virudhunagar by order, dated 29.01.2025 and the petitioner was relieved.

3. The learned counsel for the petitioner contends that the impugned order reveals that it is based on pure *malafide* and punitive action against the petitioner.

4. The learned Government Advocate appearing for the respondents, on instructions, would submit that against the petitioner and one Selvan, an enquiry was conducted and the enquiry officers submitted his report on 19.12.2023, wherein, it is stated that there was fault on both of them. He further contends that based on the letter, dated 05.12.2024 of the Head of the Department, the second respondent issued transfer order, dated 23.01.2025 transferring the petitioner and the said Selvan on Administrative grounds and as such, the interference of this Court is not required.

5. Having considered the facts and circumstances of the case and the submissions made by the respective counsels, though it is admitted fact that



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there are some issues between the petitioner and the said Selvan for several

years, the respondents failed to take appropriate action for all these years against them. Though the enquiry report, dated 19.12.2023 reveals that both of them are faulted for the incidents occurred in the second respondent office premises, no action has been taken by the second respondent for one year. It appears due to the inaction of the second respondent only unwanted incidents are continued there. It is also an admitted fact that a case was registered in Crime No.125 of 2024 against the said Selvan on 28.11.2024 based on the complaint made by the petitioner. It appears that the petitioner also filed a petition under Section 156(3) of IPC on the file of Judicial Magistrate No.I, Tirunelveli against the Police for not conducting proper investigation against his earlier complaint and it is pending.

6. On careful consideration of these facts, it appears that though the petitioner and the said Selvan have some issues for considerable period and at present it reached to register a criminal case, the second respondent, who maintained silence for all these years, suddenly transferred them to different places. It appears that the second respondent also failed to apply his mind in passing the impugned order of transfer. Without taking proper measures, at the



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relevant point of time, now transferring the petitioner appears to be unjustified

and it has to be treated as punitive action against the petitioner. In the considered opinion of this Court, such unjustified and punitive action by the second respondent should not be permitted against the aggrieved person.

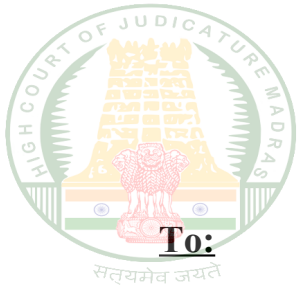
7. For the aforesaid reasons, this writ petition is allowed with the following direction:

The orders impugned in this writ petition in Ref.No.12291/E5/1/2024-01, dated 23.01.2025 and Ref.No.16848/E3/2024-1, dated 29.01.2025 are hereby quashed.

8. No costs. Consequently, the connected miscellaneous petitions are closed.

12.02.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn



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BATTU DEVANAND, J.

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