



W.A.(MD)No.1571 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.1571 of 2025
and
C.M.P.(MD)No.8902 of 2025**

1.The Correspondent,
Virudhunagar Hindu Nadar Boys'
Higher Secondary School,
Madurai.

2.The Head Master,
Virudhunagar Hindu Nadar Boys'
Higher Secondary School,
Madurai.

... Appellants

Vs.

1.K.Ramesh

2.The Chief Educational Officer,
Office of the Chief Educational Office,
Opposite to Telephone Exchange,
Thallakulam, Madurai District.

3.The District Educational Officer,
Office of the District Educational Office,
Melur, Madurai District.

... Respondents



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.26214 of 2024 dated 16.05.2025 on the file of this Court.

For Appellants : Mr.S.Srinivasa Raghavan

For Respondents : Mr.H.Lakshmi Shankar for R1.
Mr.C.Venkateshkumar,
Spl. Government Pleader for R2 & R3.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The school management is on appeal questioning the order dated 16.05.2025 made in W.P.(MD)No.26214 of 2024 filed by the first respondent herein.

3.The first respondent herein joined Virudhunagar Hindu Nadar Boys' Higher Secondary School as P.G. Assistant in the year 2002. On 25.06.2024, the first respondent herein had assaulted a student with cheppal. This was captured in CCTV also. Taking note of the unacceptable behaviour of the teacher, the school management rightly



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suspended him and also initiated disciplinary proceedings. It appears that the teacher was also called upon to submit his application to go on voluntary retirement. It is in this background, the teacher filed W.P.(MD)No.26214 of 2024 questioning the suspension order. The learned Single Judge after a detailed consideration of the entire circumstances disposed of the writ petition in the following terms:

“14.Considering the overall facts and circumstances of the case, this Court, in the interest of all concerned, is passing the following order:

“The disciplinary proceedings initiated as against the petitioner shall be formally concluded based on available records and submissions. Subject to the availability of a willing recipient school, and the formal closure of proceedings without imposition of a major penalty, the request for migration may be favourably considered. Such migration, although sought by the petitioner, shall be deemed adequate to address the institutional concerns and is considered sufficient administrative measure under the circumstances. Until such time, the existing order of suspension shall remain in force.”

15.Such exercise shall be concluded as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order, since the next academic year is about to commence.”

As against the this order, the school management is on appeal.



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4.We do endorse the contention of the learned counsel for the school management that the misconduct committed by the teacher cannot be condoned or justified for any reason. Be that as it may, the management indicated that they would be happy if the teacher exits the school and finds employment else where.

5.The learned Single Judge had also stated that the teacher / writ petitioner may have to exit the school, if the some other school is willing to accommodate him. Before us, the learned counsel for the writ petitioner / first respondent submitted that Sethupathi Higher Secondary School, Madurai is willing to accommodate the writ petitioner and that they have already sent a letter dated 10.06.2025 to the appellant management.

6.We direct the appellant management to relieve the writ petitioner from their employment at the earliest so that the writ petitioner can join Sethupathi Higher Secondary School, Madurai as P.G. Assistant soon thereafter. The Chief Educational Officer, Thallakulam, Madurai District is also directed to accord his approval for this arrangement. The writ petitioner / K.Ramesh is present in person before us Court. He states that



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he will forego all claims for backwages during the intervening period. In other words, the backwages from the date of suspension till the date when he joins Sethupathi Higher Secondary School, Madurai will count only for the purpose of pension and fixation of increment but backwages will not be claimed by the writ petitioner. As a result, there will be no financial implication either for the school management or for the education department. The learned counsel for the school management states that the disciplinary enquiry have concluded. Since the writ petitioner is exiting from the appellant school and foregoes the claim for backwages, we are of the view that the same would operate as a sufficient punishment and no further punishment need to be imposed on the writ petitioner.

7.This writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.R.S. J.)
18.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 20.06.2025.



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G.R.SWAMINATHAN, J.
and
K.RAJASEKAR, J.

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To:

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