



WP(MD)No.26214 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.05.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.26214 of 2024
and
WMP(MD)Nos.22217, 22227 of 2024

K.Ramesh

: Petitioner

Vs.

1.The Chief Educational Officer,
O/o.Chief Educational Officer,
Opposite to Telephone Exchange,
Thallakulam, Madurai District.

2.The District Educational Officer,
O/o.District Educational Officer,
Melur, Madurai District.

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

4.The Headmaster,
Virudhunagar Hindu Nadar Boys' Higher Secondary School,
Madurai.

: Respondents



WP(MD)No.26214 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India

seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned suspension order passed by the third respondent dated 18.10.2024, quash the same and consequently, directing the respondents to consider the petitioner's request for migration to other school.

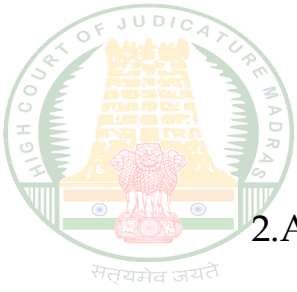
For Petitioner : Mr.S.Satheesh Kumar

For Respondents: Mr.K.Balasubramani
Special Government Pleader
for R.1, R.2

Mr.S.Srinivasa Raghavan
for R.3, R.4

ORDER

The petitioner is working as PG Assistant (English) with the fourth respondent School. He was placed under suspension that he has assaulted a Student. He was asked to submit VRS application. The petitioner has also submitted an application for VRS, however, he has withdrawn the same and requested for migrating him to another Aided School. His request for migration was rejected and hence, he has filed this writ petition.



WP(MD)No.26214 of 2024

2. According to the petitioner, he has been working in the School for nearly 22 years and dedicated himself for the betterment of the Students.

He has given centum results on many occasions and got appreciation from the District Collector and the official respondents. He has been invited many a times by the Educational Department to give examination tips to the Students for the public examinations. While so, on 25.06.2024, when he was taking class for the 11th Standard, one Student, by name, S.Jebaraj, repeatedly interrupted the class and not allowed to proceed further. On sudden provocation, the petitioner has slapped him with slipper. On the complaint lodged by the parents of the Student, disciplinary proceedings was initiated as against the petitioner and he was placed under suspension.

3. Learned Counsel for the petitioner admitted that the petitioner has slapped the Student with slipper, however, it was on a sudden provocation and not a premeditated one. The petitioner has immediately apologized with the Student and also with the parents of the Student. The petitioner was made to submit an application for VRS, however, he later withdrew the same. In fact, the parents of the Student has also withdrew their



WP(MD)No.26214 of 2024

complaint. Given these happenings, it would be awkward for the petitioner to continue in the same School and as such, he opted for migration to some other School. Therefore, the learned Counsel prayed for a sympathetic view, given the petitioner's teaching credentials.

4.Learned Counsel for the respondents 3 & 4 / School submitted that the petitioner has slapped a Student with slipper in the class room. The incident was also recorded in the CCTV footage in the class room. The parents of the Student lodged a complaint. In fact, the parents of the Student have obtained their son's transfer certificate, stating that they felt unsafe for the life of their son. In the meantime, the Management has initiated disciplinary proceedings as against the petitioner for the delinquency committed by him and kept him under suspension. Only after concluding the disciplinary proceedings, they could take a decision on the petitioner's request for migration.

5.Learned Special Government Pleader appearing for the official respondents submitted that the petitioner has admitted the delinquency



WP(MD)No.26214 of 2024

committed by him. The Right to Education Act prohibits any kind of physical or mental harassment. Therefore, the fact that the parents of the Student withdrew their complaint is immaterial, inasmuch as the petitioner has slapped the Student with slipper. In any event, the School is a private aided one and the official respondents are yet to receive any proposal from the Management.

6.This Court considered the rival submissions made on either side and perused the materials placed on record.

7.It is an admitted fact that the petitioner, a PG Assistant [English], had physically assaulted a Student by slapping him with a slipper. This incident, which is serious and contrary to professional ethics, resulted in a formal complaint, subsequent suspension of the Teacher, and initiation of disciplinary proceedings.

8.The Teacher has since submitted a written apology acknowledging



WP(MD)No.26214 of 2024

his conduct and the student has chosen to withdraw the complaint.

However, it is the duty of the institution to act independently to uphold professional standards, notwithstanding such withdrawal.

9.The Teacher has also submitted a representation seeking migration to another school and has enclosed various medals, certificates, and letters of appreciation received from competent authorities over his 22 years of service. It is noted that his service record prior to this incident is unblemished and marked by competent and dedicated performance.

10.While the act of physical misconduct is unacceptable, I am of the opinion that a lenient and balanced view is warranted in light of his otherwise clean and commendable service record; his willingness to take responsibility for the incident; and the fact that he himself has requested to be transferred.

11.Though the migration has been requested by the teacher, it is



relevant to acknowledge that such a move—though not a formal punishment—has the effect of removing him from the current institution, thereby addressing concerns related to institutional image and environment. Migration in this context, in my opinion, serves as a sufficient administrative consequence, obviating the need for a formal penalty.

12.It is also relevant to note that the precise events of that day remain unclear. There is no conclusive account of what transpired prior to the incident, what exactly triggered the Teacher's reaction, or by what conduct the Student may have contributed to the situation. In the absence of a complete and verified narrative, it would be inappropriate to proceed on assumptions. This further reinforces the need for a balanced and proportionate response, without undermining either the seriousness of the act or the Teacher's longstanding record.

13.This Court is not losing sight of the fact that the proposed migration is subject to the availability of a recipient institution willing to



accept the teacher. On a query posed by this Court, the petitioner's Counsel submitted that the post of PG Assistant [English] is vacant in yet another aided School in the city, namely, Sethupati Higher Secondary School. Be that as it may, it is to be noted that no migration can be permitted, unless the current disciplinary proceedings are formally concluded with appropriate orders.

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.”



WP(MD)No.26214 of 2024

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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.

The writ petition stands disposed of in the above terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Internet : Yes
gk

16.05.2025

To

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WP(MD)No.26214 of 2024



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WP(MD)No.26214 of 2024

B.PUGALENDHI, J.

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WP(MD)No.26214 of 2024

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