



W.P(MD)No. 6669 & 13289 of 2025 &
Cont P(MD) No.3471 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.6669 & 13289 of 2025 and
Cont P(MD) No.3471 of 2025 and
WMP(MD) Nos.4933, 4934, 9523, 9525 & 11389 of 2025

W.P(MD)Nos.6669 & 13289 of 2025:-

M. Babu

... Petitioner

Vs

1.The Joint Director of School Education (Personnel),
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
O/o. the Chief Educational Office,
Karur,
Karur District.

...Respondents

COMMON PRAYER in WPs: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent vide his proceedings in Na.Ka. No. 019850/C2/S1/2024 dated 21.02.2025, Na.Ka. No.



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019850/C2/E1/2023, dated 07.04.2025 and quash the same as illegal.

Contempt Petition(MD) No.3471 of 2025

M. Babu

... Petitioner

Vs

1.Mr.Ramasamy,

The Joint Director of School Education (Personnel),
College Road,
Chennai - 600 006.

2.Mr.Raju,

The Chief Educational Officer,
O/o. the Chief Educational Office,
Karur,
Karur District.

...Respondents

PRAYER: Contempt Petition filed under 11 of Contempt of Courts Act, 1971, to punish the contemnors/respondents for their deliberate and wilful disobedience of the interim order, dated 25.04.2025 passed by this Court, in WP(MD) No.6669 of 2025.

For Petitioner : Mr.H.Mohammed Imran

For Respondents : Mr.M.Sarangan,

Additional Government Pleader
(In all Petitions)



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Chennai, by a proceedings, dated 21.02.2025, transferred this petitioner to Government Boys Higher Secondary School, Karambakkudi. Pudukkottai District, which is 150 kilometres away from Manavadi, Karur District.

2.This transfer has been made pursuant to a Government letter in 37/GL1(2)/2025-1, dated 20.02.2025, mandating transfer of teachers, who were involved in cases under the POCSO Act. The order of transfer, dated 21.02.2025 is challenged by this petitioner in WP(MD) No.6669 of 2025, on the ground that the Government order insisting for transfer is only as against the teachers, against whom, the case under the POCSO Act is pending, whereas, insofar as the petitioner is concerned, though he was charged under the POCSO Act, he was acquitted from the charges by the Additional Sessions Court, Karur in Special SC No.10 of 2023, dated 24.03.2023. Therefore, the order of transfer by referring to the above Government letter, dated 20.02.2025 is not proper.



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3.This Court while entertaining the writ petition in WP(MD) No.6669 of 2025 has granted an order of *status quo*, by its order, dated 13.03.2025. However, the Joint Director of School Education (Personnel), Chennai, by his proceedings, dated 07.04.2025 has cancelled the order of the second respondent/ Chief Educational Officer, dated 15.04.2024, exonerating this petitioner from the charges and has ordered for further disciplinary proceedings as against this petitioner. The order of the Joint Director of School Education (Personnel), dated 07.04.2025 is challenged by this petitioner in WP(MD) No.13289 of 2025.

4. A contempt petition in Cont P(MD) No.3471 of 2025 is also filled to punish the respondents for their deliberate disobedience of the interim order of *status quo* granted by this Court in WP(MD) No. 6669 of 2025, dated 13.03.2025.

5.Since all these petitions are filed by the same petitioner and the issue involved in these petitions are interlinked,



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these petitions are taken up together and disposed of by this common order.

6.The learned counsel appearing for the petitioner by referring to the Special Rules for the Tamil Nadu Elementary Education Subordinate Service, demonstrated that the Chief Educational officer is the appointing authority, for the BT Assistants. The disciplinary proceedings initiated by the Chief Educational Officer/appointing Authority against the petitioner has been concluded, exonerating the petitioner from the charges. While so, the interference of the Joint Director of School Education (Personnel), in the strength of the Government order is against law and it is liable to be set aside.

7.The learned Additional Government Pleader, by referring to the clarification issued by the Director of School Education in Na.Ka.No.27172/A1/E4/2024, dated 03.06.2024 submits that the Government has issued a clarification that the Joint



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Director of School Education is the appointing authority for the post of BT Assistants and therefore, according to the learned Additional Government Pleader, the Joint Director of School Education is the authority, however, in the petitioner's case, the disciplinary proceedings was initiated and also concluded by the Chief Educational Officer. Therefore, there is no need to interfere with the order of the Joint Director of School Education/the competent authority, in setting aside the order of Chief Educational Officer, exonerating this petitioner from the charges.

8.This Court considered the rival submissions made and also perused the materials placed on record.

9.The petitioner/BT Assistant (Science) was placed under suspension, pursuant to his involvement in a criminal case in Crime No.405 of 2022. He was tried by the Additional Sessions Judge, Karur in Spl.SC.No.10 of 2023, for the offence under Section 10 of POCSO Act, 2012 and Section 3(1)(w) of SC/ST Act, 2016



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and he was acquitted by the trial Court, by its judgment, dated 24.03.2023. He was also reinstated into service on 25.04.2023 and posted at a different School at Manuwadi, Karur District. That apart, the disciplinary proceedings initiated as against this petitioner by the Chief Educational Officer has also been concluded, exonerating this petitioner from the charges, by an order dated 15.04.2024. While so, the petitioner has been transferred to Government Boys Higher Secondary School, Karambakkudi. Pudukkottai District, which is 150 kilometres away from the existing place, by a proceedings of the Joint Director of School Education (Personnel), Chennai. The competency of the Chief Educational Officer in conducting the disciplinary proceedings is a question involved in WP(MD) No. 13289 of 2025.

10. As rightly pointed out by the learned counsel for the petitioner, as per Rule 3 of the Special Rules for the Tamil Nadu Elementary Education Subordinate Service, the competent Authority is the Chief Educational Officer of the concerned Educational



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District and as such, the Chief Educational Officer, Karur has conducted the disciplinary proceedings as against this petitioner and also passed an order, in favour of the petitioner on 15.04.2024. Therefore, the order passed by the Joint Director of School Education, dated 07.04.2025, setting aside the order of the Disciplinary authority in the strength of the clarification letter, *de hors* Rule 3 of Special Rules for the Tamil Nadu Elementary Education Subordinate Service is not sustainable and therefore, it is liable to be set aside. **Accordingly, WP(MD) No.13289 of 2025 is allowed.** If the Department is aggrieved by the order of the disciplinary authority, the available remedy is review of the order of the disciplinary authority under the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

11.Though this petitioner has been exonerated from the charges under the POCSO Act, by the Additional Sessions Court, Karur in Spl.SC No.10 of 2023, dated 24.03.2023, this Court is not inclined to interfere with the order of transfer passed by the first



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respondent in Na.Ka. No.019850/C2/S1/2024, dated 21.02.2025.

Therefore, **WP(MD) No.6669 of 2025 is dismissed.** Since it is reported that in view of the interim order granted by this Court, the petitioner has not been permitted to continue in the existing place, the interregnum period shall be treated as duty period.

12.In view of the orders passed in WP(MD) Nos.13289 & 6669 of 2025, **Cont P(MD) No.3471 of 2025 is closed.** No costs. Consequently, connected Miscellaneous petitions are also closed.

30.01.2026

Index:Yes
Internet:Yes
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To
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- 1.The Joint Director of School,
Education (Personnel), College Road,
Chennai - 600 006.

- 2.The Chief Educational Officer,
O/o. the Chief Educational Office,
Karur,
Karur District.



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B.PUGALENDHI, J.

vrn

Common Order made in
W.P(MD)Nos.6669 & 13289 of 2025 and
Cont P(MD) No.3471 of 2025 and
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