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W.A.(MD)NO.1524 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.A.(MD)No.1524 of 2023 AND

C.M.P.(MD)No.11652 of 2023

The Manager,
R.C.Schools,
Bishop of Thoothukudi,
Thoothukudi Diocese,
Thoothukudi District.

... Appellant /1st Respondent

Vs.

1. Mr.S.Anthony Michael George,
Horticulture Instructor,
(Under Suspension),
Sacred Heart Higher Secondary School,
Kavalkinaru,
Tirunelveli District.

... 1st Respondent / Petitioner

2. The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

3. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

... Respondents 2 & 3/Respondents 2&3

Prayer: Writ appeal filed under Clause 15 of the Letters Patent,
to allow the appeal by setting aside the order of this Court dated
01.03.2023 made in W.P.(MD)No.7521 of 2016.



For Appellant : Mr.Anwar Sameem,
for Mr.S.Savarimuthu.

For Respondents : Mr.B.Saravanan,
Senior counsel,
for Mr.S.Vinayak for R-1.

Mr.T.Amjad Khan,
Government Advocate for R-2 & R-3.

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The corporate management has filed this writ appeal questioning the order dated 01.03.2023 passed by the learned single Judge in W.P.(MD)No.7521 of 2016 filed by the first respondent herein.

3. The first respondent herein joined the appellant's corporate management / Sacred Heart Higher secondary school, Kavalkinaru, Tirunelveli District as Horticulture Instructor in the year 1991. While in service, he was issued with charge memo dated 04.01.2016



alleging that he had sexually harassed a girl student. An enquiry was conducted and the enquiry officer gave his finding that the charge memo against the writ petitioner stood established. The enquiry report was served on the writ petitioner. His representation was also obtained. The Corporate management did not agree with the writ petitioner's further representation and imposed the punishment of compulsory retirement. Challenging the same, W.P.(MD)No.7521 of 2018 came to be filed. The learned single Judge vide order dated 01.03.2023 kept the order impugned in abeyance. The management was directed to reconsider the matter in the light of certain subsequent developments. Questioning the same, this writ appeal has been filed.

4. It is seen that the victim had parallelly lodged a criminal case before the All Women police station, Tirunelveli in Crime No.1 of 2016. The case was charge sheeted but ended in acquittal vide judgment dated 18.10.2016 on the file of the Mahila Court, Tirunelveli.



WEB COPY 5. It is also seen that the victim had given an affidavit supporting the defence of the writ petitioner and the same was furnished to the management along with his further representation.

6. We carefully went through the order impugned in the writ petition. The disciplinary authority had not at all dealt with the contentions projected by the writ petitioner. We will go to the extent remarking that it is a non-speaking order. In the light of the subsequent developments i.e. the victim turning hostile during the criminal trial, the learned Judge kept the order impugned in the writ petition in abeyance. For the last ten years, the writ petitioner has been out of service and he has not drawn any pensionary benefit.

7. The learned Senior counsel for the writ petitioner on instructions states that if the petitioner's retirement is considered as Voluntary Retirement as on 15.03.2016, he would be satisfied. Therefore, we modify the order of compulsory retirement into one of Voluntary Retirement from service. In other words, for pensionary benefits, the service of the writ petitioner would be reckoned from



the date of appointment till 16.03.2016. The appellant will send necessary proposals to the Department within a period of eight weeks from the date of receipt of a copy of this order. The Department will settle the benefits payable to the writ petitioner within a period of eight weeks thereafter. We make it clear that the writ petitioner will not be entitled to make any claim for interest. The writ petitioner will attain the age of superannuation in the year 2029 and he would be losing full 13 years of service. This in our view would more than meet the ends of justice. This writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
3rd February 2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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G.R.SWAMINATHAN, J.



6

W.A.(MD)NO.1524 OF 2023

AND

R.KALAIMATHI, J.

PMU

To:

1. The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.
2. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

W.A.(MD)No.1524 of 2023

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