



W.P.No.13647 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.07.2024

PRONOUNCED ON : 20.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13647 of 2024
and W.M.P.Nos.14811 & 16946 of 2024

V.Jones Prasanna Doss

... Petitioner

-Vs-

1. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2. The Chief Educational Officer,
Tirupattur District,
Tirupattur.

3. The District Educational Officer (Secondary),
Tirupattur District,
Tirupattur.

4. Venkatesa Perumal
District Educational Officer (Secondary),
Tirupattur District, Tirupattur.

5. The Correspondent,
Concordia Higher Secondary School,
Ambur 635 802,
Tirupattur District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the fifth respondent in Letter No.21/2024 dated 23.04.2024 and to quash the same and consequently directing the 1 to 3 & 5th respondents to reinstate the petitioner into service in the post of P.G. Assistant (Maths) in the fifth respondent school with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran, Senior Counsel
For Mr.S.Nedunchezhiyan
For Respondents
For R1 to R4 : Mr.S.Mythreye Chandru
Special Government Pleader
For R5 : Mrs.Dakshayani Reddy,
Senior Counsel
For Mrs.S.Suneetha

ORDER

This writ petition has been filed challenging the order passed by the fifth respondent dated 23.04.2024, thereby suspending the petitioner from service.

2. The petitioner was appointed as B.T. Assistant (Maths) in the fifth respondent school and thereafter he was promoted to the post of P.G. Assistant (Maths). For the past 27 years, the petitioner is working as Teacher in the fifth respondent school and he has 100% results in the



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public examination of twelfth standard. The fifth respondent school is coming under the Ambur Synod and it is an apex body Indian Evangelical Lutheran Church (hereinafter referred to as “IELC”). It is being governed by the IELC Constitutional Byelaws (hereinafter referred to “byelaws”) for the purpose of administration of educational institutions. The constitution byelaws were amended in the year 2022 thereby demarcates the powers and functions of the Synod Executive Committee comprising of Standing Committee on Education and other Standing Committees. As per byelaws, the Synod Execution Committee is the appointing authority to fill up vacancies relating to teaching and non teaching post in all IELC schools and Synod.

3. While being so, there was a dispute over the IELC officer bearers which resulted in civil suit before this Court in C.S.No.741 of 2017. In the said suit, this Court appointed a retired Judge of this Court, Justice D.Hariparanthaman as Administrator to administer the church and to conduct election of office bearers of IELC. Even then, the fifth respondent has been appointed by some of the teachers and hence, the Administrator forwarded report to the educational authority not to approve the appointments.



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4. In the year 2022, the Administrator conducted election for IELC and declared results. Even after declaration of results, the elected office bearers made appointment in violation of the provisions of byelaws without approval of the Synod Executive Committee. Therefore, there was a complaint as against the appointment of the Correspondent without approval of the competent authority viz., Synod Executive Committee. The writ petitions were also filed before this Court and this Court directed to conduct an enquiry on the complaints with regard to illegal appointment.

5. Therefore, the fifth respondent started to act against the petitioner as if he is also one of the complainants, by joining hands with the fourth respondent. In order to wreak vengeance, the petitioner was placed under suspension on the ground that one of the retired teacher of the fifth respondent school submitted representation before the third respondent alleging that the petitioner is not attending the classes regularly and going out for his personal works and also he used to talk in his cell phone, while the classes are in progress. Further alleged that when the petitioner is taking classes, two other P.G. Teachers are coming



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to the class and talking with the petitioner. Due to which, the petitioner did not complete the syllabus for the students.

6. On receipt of the said complaint, the fourth respondent inspected the school and submitted report. As per the report, the fourth respondent recommended to initiate disciplinary proceedings as against the petitioner by his communication dated 05.04.2024. Based on the report, the petitioner was placed under suspension for a period of three months as per the Tamil Nadu Private Schools (Regulations) Act, 1973 and Tamil Nadu Private Schools (Regulations) Rules 2023. Aggrieved by the same, the petitioner filed the present writ petition.

7. The learned Senior Counsel appearing for the petitioner submitted that the fifth respondent has no jurisdiction, power and authority to pass an order of suspension. The appointing authority is the competent to suspend the petitioner viz., Synod Executive Committee that too after resolved from the Standing Education Committee of IELC. Only on the instruction of the fifth respondent, they prepared complaint from the retired teacher of the fifth respondent school and influenced the fourth respondent to submit report. Though the fourth respondent submitted



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report, it doesn't contain any material to substantiate the allegations as against the petitioner. No student was examined by the fourth respondent. Only after filing the writ petition, the fifth respondent managed to prepare the documents as if, Synod Executive Committee conducted meeting and passed resolution and also Standing Committee on Education convened meeting and passed minutes to take disciplinary action as against the petitioner.

7.1. In fact, the petitioner is also one of the Executive Committee member of the Synod. Other members are also submitted representation stating that they were never issued notice for Synod Executive Committee meeting and they absolutely had no knowledge about the resolution passed by the Synod Executive Committee. Even as per the resolution, only nine members of the Executive Committee were signed out of twenty members. Further the order of suspension cannot be sustained on the ground that it was not issued as per Rule 29 & 30 of the Tamil Nadu Private Schools (Regulations) Rules 2023.

8. The fifth respondent filed counter and the learned Senior Counsel appearing for the fifth respondent submitted that on receipt of



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the report from the fourth respondent, the Synod Executive Committee convened meeting and resolved to take disciplinary action as against the petitioner. She also produced the minutes of the meeting convened by the Standing Committee on Education on 09.04.2024 and Synod Executive Committee meeting dated 13.04.2024. Thereafter, in view of the resolution and report submitted by the fourth respondent dated 04.04.2024, the petitioner was placed under suspension. Only based on the resolution and minutes, the fifth respondent suspended the petitioner and as such it is not in violation of Rule 29 & 30 of the Tamil Nadu Private Schools (Regulations) Rules 2023.

8.1. She further submitted that there are several complaints as against the petitioner and as such, the fourth respondent inspected the school and conducted enquiry. The students had deposed before the fourth respondent alleging that the petitioner is using his mobile phone in the class room and always talking to others. Therefore, the petitioner could not be able to complete his syllabus in the academic year in the subject of Maths. In pursuant to the order of suspension, the petitioner was issued notice by the fifth respondent to appear for enquiry to be conducted by the Enquiry Committee to be held on 13.06.2024. However,



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the petitioner failed to appear for enquiry.

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9. The learned counsel appearing for the third respondent submitted that on receipt of the complaint from the retired teacher of the fifth respondent school viz., Devakumar, the second respondent directed the third respondent to conduct inspection and submit report on the representation, dated 05.04.2024 to the fifth respondent. On the basis of the said report, the Standing Committee on Education and Synod Executive Committee of the fifth respondent convened meeting and resolved to take action as against the petitioner. Accordingly, the petitioner was suspended from service.

10. Heard the learned counsel appearing on either side and perused the materials placed before this Court. Though notices served on the fourth respondent, no one is appeared on behalf of the fourth respondent either by person or through pleader.

11. The reason for suspending the petitioner is that the petitioner, in the class room was talking to others through cell phone



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without concentrating the class. He failed to attend the classes in time and also failed to concentrate the welfare of the student while teaching the subject. He also scolded the students unnecessarily and used the cell phone in the class room. In fact, the order of suspension itself consists three charges.

12. The learned Senior Counsel appearing for the petitioner specifically contended that the fifth respondent is not a competent authority to pass an order of suspension. After passing the order of suspension, in order of substantiate the order of suspension, the fifth respondent cooked up the minutes and resolution as if the Standing Committee on Education convened meeting 09.04.2024 and the Synod Executive Committee convened meeting on 13.04.2024 and passed resolution to take action as against the petitioner, on the basis of the report submitted by the fourth respondent dated 04.04.2024.

13. Without going into the genuineness of the minutes passed by the Standing Committee on Education and the resolution passed by the Synod Executive Committee, the allegations levelled against the petitioner are trivial in nature. Now a days in this technology era, all the students as



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well as the teachers are using the electronic equipments such as cell phone, lap top, computer system for taking class by way of power point and other applications. Therefore, using of cell phone in the class room cannot be said that the petitioner is not concentrating on the students and the subjects.

14. It is relevant to extract the charges levelled against the petitioner in the order of suspension dated 23.04.2024 as follows :-

"குற்றச்சாட்டு - /

திருப்பத்தூர் மாவட்டம் ஆம்பூர் கன்னாட்டியா அரசு நிதியுதவி மேல்நிலைப்பள்ளியில் கணிதப்பாட முதகலை ஆசிரியராக பணிபுரியும் திரு.வி.ஜே.ஜோன்ஸ் பிரசன்னதாஸ் என்பார் 11 மற்றும் 12 ஆம் வகுப்பு மாணவர்களுக்கு கற்பித்தல் பணியில் முழு கவனம் செலுத்தாமலும், ஊரிய நேரத்தில் பள்ளிக்கு வருகை தராமலும், வகுப்பறைக்கு செல்லாமலும், மாணவர்களின் கல்வி நலனில் கவனம் செலுத்தாமல் தன் சொந்த பணிகளுக்காக வெளியில் சென்றுவிடுவதாக குற்றச்சாட்டு பெறப்பட்டுள்ளது.

மேலும் பணிநேரத்தில் எவ்வித முன் அனுமதியின்றி தன்னிச்சையாக வெளியில் செல்வதாகவும், தனது கடமையை சரிவர செய்யவில்லை எனவும் பெறப்பட்ட புகார்மீது 04.02.2024 அன்று திருப்பத்தூர் மாவட்ட கல்வி



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(இடைநிலை) அலுவலரால் ஆய்வு
மேற்கொள்ளப்பட்டது. ஆய்வின் போது
மாணவர்களிடத்தில் விசாரணை மேற்கொண்டதில்
குற்றச்சாட்டுக்கள் அனைத்தும்
ஊர்ஜிதப்படுத்தபடுவதாகவும் திரு.வி.ஜோன்ஸ்
பிரசன்னதாஸ் என்பவர் மீது நடவடிக்கை
மேற்கொள்ளுமாறும் பார்வை-4ல் காணும்
கடிதத்தின்படி தெரிவிக்கப்படுகிறது.
குற்றச்சாட்டு-2

திருப்பத்தூர் மாவட்டம், ஆம்பூர் கன்கார்டியா
அரசு நிதியுதவி மேல்நிலைப்பள்ளியில் கணிதபாட
முதுகலை ஆசிரியராக பணிபுரியும் திரு.வி.ஜோன்ஸ்
பிரசன்னா தாஸ் என்பவர் பாடவேளையின் போது
கைப்பேசியில் பேசிப்பொண்டு இருப்பதாவும்,
மாணவர்களிடத்தில் தேவையற்ற வார்த்தைகளை
பேசுவதாகவும் இதன் காரணமாக தங்களுக்கு
வேறொரு கணித ஆசிரியை நியமிக்க வேண்டுமென
மாணவர்கள் கோரிக்கை வைத்துள்ளதாகவும்,
பெறப்பட்ட புகார்மீது 14.02.2024 அன்று திருப்பத்தூர்
மாவட்ட கல்வி (இடைநிலை) அலுவலரால் ஆய்வு
மேற்கொள்ளப்பட்டது. ஆய்வின் போது மாவணர்களிடம்
விசாரணை மேற்கொண்டதில் குற்றச்சாட்டுகள்
அனைத்தும் ஊர்ஜிதப்படுத்த படுவதாகவும் சார்ந்த
ஆசிரியர் மீது நடவடிக்கை மேற்கொள்ளுமாறும்
பார்வை-4ல் காணும் கடிதத்தின்படி
தெரிவிக்கப்படுகிறது.



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குற்றச்சாட்டு-3

திருப்பத்தூர் மாவட்டம், ஆம்பூர் கன்கார்டியா அரசு நிதியுதவி மேல்நிலைப்பள்ளியில் கணிதபாட முதுகலை ஆசிரியராக பணிபுரியும் திரு.வி.ஜோன்ஸ் பிரசன்னா தாஸ் வகுப்பறையில் இருக்கும்போது அதேபள்ளியில் பணியாற்றும் திருமதி.ஞானமணி மற்றும் திருமதி.தொபோராள் ஆகியோர் கணிதப்பாட வகுப்பறைக்குள் வந்து தேவையற்ற பேச்சுக்களை பேசி மாணவர்களின் கற்க்கும் திறனில் தடை ஏற்படுவதாகவும் இதன் காரணமாக பாடத்திட்டம் முபமையாக முடிக்கப்படுவதில்லை என்ற குற்றச்சாட்டின் மீது 14.02.2024 அன்று திருப்பத்தூர் மாவட்ட கல்வி (இடைநிலை) அலுவலரால் ஆய்வு மேற்கொள்ளப்பட்டு ஆய்வின்போது மாணவர்களிடம் விசாரணை மேற்கொண்டதில் குற்றச்சாட்டுகள் அனைத்தும் ஊர்ஜிதப்படுத்தபடுவதாவும் சார்ந்த ஆசிரியர் மீது நடவடிக்கை மேற்கொள்ளுமாறும் பார்வை-4ல் காணும் கடித்தின்படி தெரிவிக்கப்படுகிறது."

Based on the above charges, the petitioner was placed under suspension.

In pursuant to the suspension, the petitioner was issued notice for enquiry.

15. Further , the order of suspension has to be issued by the appointing authority as per Rule 30 of the Tamil Nadu Private School



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(Regulation) Rules, 2023. According to the said Rule, the appointing authority may place the staff under suspension on various grounds. The fifth respondent passed an order of suspension thereby, suspending the petitioner from service. According to the fifth respondent, on the basis of the minutes recorded by the Standing Committee on Education and the resolution passed by the Synod Executive Committee, the fifth respondent passed the order.

16. On perusal of the minutes of Standing Committee on Education, nine persons were participated and signed. Likewise on perusal of the resolution passed by the Synod Executive Committee of IELC also signed by nine persons. But the members, who were signed in the minutes as well as resolution, submitted representation to the educational authority stating that fourth respondent never inspected the fifth respondent school and did not conduct any enquiry among the students and the teachers. In order to defame the school as well as other teacher vindictively submitted report as directed by the fifth respondent.

17. That apart, they have not even participated in the meeting conducted by the Standing Committee on Education as well as Synod



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Executive Committee. They were not issued any notice for the meeting of both the Committee. Therefore, the minutes of the Standing Committee on Education and the resolution passed by the Synod Committee are questionable.

18. Further, Synod Executive Committee is the appointing authority. It has to pass an order of suspension. However, on the strength of the resolution passed by the Synod Executive Committee, the fifth respondent is being a Correspondent suspending the petitioner from service. Therefore, the fifth respondent suspended the petitioner with malafide intention and the fifth respondent has no jurisdiction to suspend the petitioner. In fact, the petitioner is being an Executive Committee member of Synod Executive Committee, he lodged complaint as against the fifth respondent and others in which, this Court issued direction in W.P.No.11825 of 2023 dated 18.04.2023, to the educational authority to enquire the complaint with regard to appointment of Correspondent, after providing opportunity to the complainant as well as counter part on merits and in according with law, within a period of twelve weeks. Now the enquiry is under progress.



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19. That apart, the petitioner filed applications in A.Nos.8281 & 8282 of 2019 in Tr.C.S.No.741 of 2017, and this Court by an order dated 18.12.2019, held that all the appointment made by the member of IELC – Ambur Synod to positions or posts either in the society or entities affiliated to it are hereby annulled. The positions or posts that are vacated as a consequence may be filled-up as per the byelaws or rules and regulation of the society or the affiliated entity, as the case may be. Further directed the Registry of Societies, Vellore to take action as against IELC-Ambur Synod. Therefore, the fifth respondent in order to wreck vengeance as against the petitioner created records and suspended the petitioner.

20. In view of the above, this Court finds infirmity and illegality in the order of suspension and it cannot be sustainable and liable to be quashed. Accordingly the impugned order passed by the fifth respondent dated 23.04.2024, is hereby quashed. In view of the interim order passed by this Court, the petitioner is continuing his service as P.G. Assistant in Maths department in the fifth respondent school. Therefore, reinstatement of the petitioner does not arise.



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21. Accordingly, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

20.08.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
rts



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To

1. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
2. The Chief Educational Officer,
Tirupattur District,
Tirupattur.
3. The District Educational Officer (Secondary),
Tirupattur District,
Tirupattur.
4. The District Educational Officer (Secondary),
Tirupattur District, Tirupattur.
5. The Correspondent,
Concordia Higher Secondary School,
Ambur 635 802,
Tirupattur District.



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G.K.ILANTHIRAIYAN. J.

rts

ORDER IN
W.P.No.13647 of 2024 and
W.M.P.Nos.14811 & 16946 of 2024

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