



WEB COPY



WA No. 1382 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No. 1382 of 2023 AND WP NO. 37522 OF 2024
CMP Nos. 13476 of 2023 and WMP NO. 40556 OF 2024**

W.A.No.1382 of 2023

J.Swarna

W/o.R.C. Swamikkan Samuel, 3A, Malavika
Apartment, 2 / 4, Seethammal Colony, 1st Cross
Street, Alwarpet, Chennai- 600018.

..Appellant

Vs

1. The State of Tamil Nadu
Rep by its Principal Secretary, Department of
School Education, Fort St George,
Chennai- 600 009.
2. The Commissioner of School Education
College Road, Chennai- 600 006.
3. The Chief Educational Officer
Presidency Girls Hr.Sec.School. Spurtank
Road, Egmore, Chennai- 600 008.
4. The District Educational Officer (East)
Naddukuppam, Triplicane, Chennai- 600005.
5. The Correspondent
YMCA Boys Town High School, Fort St.
George, Chennai- 600 009.



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6. P.Asir Pandian

Correspondent, YMCA Boys Town High
School, Fort St. George, Chennai- 600 009.

..Respondents

WP No. 37522 of 2024

J.Swarna

W/o.R.C.Swamikkan Samuel, 3a, Malavika
Apartment, 2/4, Seethammal Colony, 1st Cross
Street, Alwarpet, Chennai -600 018.

..Petitioner

Vs

1. The State Of Tamil Nadu,
Rep. By Its Principal Secretary Department Of
School Education, Fort St.George,
Chennai -600 009.
2. The Commissioner Of School Educaiton,
College Road, Chennai -600 006.
3. The Chief Educational Officer,
Presidency Girls Hr.Sec.School Spurtank
Road, Egmore, Chennai -600 008.
4. District Educational Officer,
District Educational Office(south), Saidapet,
Chennai -600 015.
5. Tmt.R..Csaraswathy,
District Educational Officer, District
Educational Office(south), Saidapet,
Chennai -600015.
6. Ymca Boys Town High School,
Rep. By Its Correspondent, Mr. P.Asirpandian,
Fort St. George, Chennai -600 009.
7. P.Asirpandian, Correspondent, Ymca Boys
Town High School, Fort St. George, Chennai-9

..Respondents



WA No. 1382 of 2023

Prayer in WA No. 1382 of 2023 : Writ Appeal under Clause XV of the Letters Patent to set aside the Order dated 06-07-2022 in W.P.No.16365 of 2022.

Prayer in WP No. 37522 of 2024 : Writ Petition under Article 226 of the Constitution for a Writ of Declaration declaring that that the Order of termination passed by the Management in pursuance of the enquiry conducted by the enquiry officer dated 25.09.2023 and termination order dated 31.05.2024 the sanction for dismissal of Petitioner from service as Headmistress of YMCA boys Town High School, Fort St. George, Chennai -600 009 given by the District Educational Officer in Proceeding In RC.No. 1273/A6/2004,dated 30.05.2024 as null and void consequently direct the Respondents 1 to 3 to allow the Petitioner to retire from service as Headmistress of YMCA Boys Town High school, Fort St. George, Chennai 600 009 and from 28.05.2024 and to pay the Salary from 01.07.2022 until the date of retirement 28.05.2024 and to send the pension proposal to the Accountant General and to pay all terminal benefits with 12percentage interest until the date of payment.

In W.A and W.P.

For Appellant : Mr.V.Paul Paneer Selvam

For Respondents : Dr.R.Gouri, Government Counsel for R1 to R4,
Mr.V.R.Thangavelu for R5 & R6



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Common Judgment

WEB COPY (Judgment of the Court was delivered by S.M.Subramaniam J.)

The writ petitioner is the appellant. The relief sought for in the writ petition to issue a writ of declaration that the action taken against the petitioner in respect of appearance as witness and depose before the VII Metropolitan Magistrate Court as per the summons dated 05.03.2020 in C.C.No.3267 of 2017 and the CSR given by the Inspector of Police dated 06.03.2021 in respect of missing of vessels through the noon meal organizer of the school in CSR No.8 / 2021 is illegal and consequential enquiry of 6th Respondent dated 01.09.2021, 11.02.2022, 14.02.2022, 21.02.2022, 22.03.2022, 29.03.2022, 12.04.2022, 19.05.2022, 25.05.2022 27.05.2022, 31.05.2022 and 02.06.2022 and thereby reduction of rank from Headmistress to class teacher without the consent of competent authority under Rule 17(a) of Tamil Nadu Recognized Private Schools Regulation Rules, 1974 is null and void and against the education code.

2. The relief as such sought for in the writ petition *per se* is not entertainable. No departmental action has been initiated against the petitioner for her non-appearance or otherwise. However, if any disciplinary action is initiated then alone the cause would arise. Learned Government Counsel brings to the notice of this Court that disciplinary action was initiated by the



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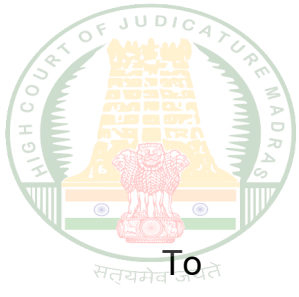
management of the school and the appellant was terminated from services. If so, the appellant has to approach the competent authority of the education department by preferring an appeal. Therefore, the appellant has to exhaust the statutory appellate remedy available at the first instance and thereafter approach the writ court if her grievances are not redressed. Since the appellant has already been terminated, it is unnecessary to adjudicate the present writ appeal on merits. Consequently, the writ appeal stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

3. In view of the order passed in the writ appeal, no further orders are necessary in the writ petition and Writ Petition No.37522 of 2024 filed by the appellant is also dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
14-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST

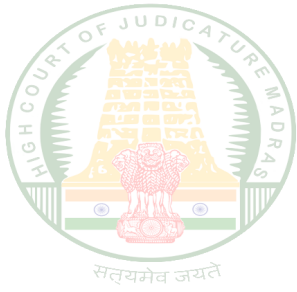


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To

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1. The Principal Secretary, Department of School Education, Fort St George, Chennai- 600 009.
2. The Commissioner of School Education College Road, Chennai- 600 006.
3. The Chief Educational Officer Presidency Girls Hr.Sec.School. Spurtank Road, Egmore, Chennai- 600 008.
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5. The Correspondent YMCA Boys Town High School, Fort St. George, Chennai- 600 009.
6. P.Asir Pandian Correspondent, YMCA Boys Town High School, Fort St. George, Chennai- 600 009.



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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

KST

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