



W.A(MD)No.656 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2026

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CORAM
THE HONOURABLE MR. JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

W.A(MD)No.656 of 2021
and
CMP (MD) No.2875 of 2021

1.The Secretary
Suyambulingam Primary School
T.N.Pudugudi
Pullangudi,
Tirunelveli District.

2.J.Suyambulingam

... Appellants

Vs.

1.G.Arunothaya Selvi

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

3. The Assistant Elementary Educational Officer
Vasudevanalur, Tirunelveli District.

4.G.P.Fredric Joseph

... Respondents

Prayer:This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No. 8360 of 2010 dated 16.12.2020.



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For Appellants : Mr.S.Ramsundarvijayraj
for M/s.Veera Associates

For Respondents : Ms.J.Saranya, Government Advocate (R2 & R3)
: No appearance (R4)

JUDGMENT

(Judgment of the Court was made by **M.DHANDAPANI.J.**)

This Writ Appeal has been filed challenging the order passed by the learned Single Judge of this Court in W.P.(MD)No.8360 of 2010, dated 16.12.2020.

2.The learned counsel appearing for the petitioner/management would submit that the first respondent was working as a Secondary Grade Teacher in the appellant-school, having been posted there as a surplus teacher from another school. While she was working in the appellant-school, the Chief Educational Officer inspected the school and conducted an enquiry with the staff. During the enquiry, written complaints were obtained from the members of the staff regarding the alleged improper conduct and behaviour of the first respondent in the appellant-management school. Based on the said complaints, the appellant-management issued a charge memo dated 01.07.2009, containing 21 charges.



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The first respondent challenged the said charge memo by filing a writ petition before this Court. This Court, after considering the matter, arrived at a conclusion that the charges levelled against the first respondent were vague in nature and that the charge memo was punitive in nature and accordingly quashed the same. Challenging the said order, the appellant-management has preferred the present writ appeal.

3. The learned counsel appearing for the appellant would submit that the Hon'ble Supreme Court, as well as this Court, in a catena of judgments, held that a charge memo cannot ordinarily be interfered with at the threshold, unless the same is issued without jurisdiction or there is no *prima facie* material to substantiate the charges. In the present case, admittedly, the first respondent joined the appellant-management school as a Secondary Grade Teacher and during her tenure, was frequently involved in disputes and had made several complaints against the appellant-management. It is further submitted that there were allegations of insubordination and dereliction of duty on the part of the first respondent, which necessitated the issuance of the charge memo. Therefore, the learned counsel would submit that the learned Single Judge ought not to have interfered with the charge memo at the threshold. Accordingly, he would pray for allowing the writ appeal.



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4. We have heard the learned counsel appearing for the appellant and perused the materials available on record.

5. On perusal of the entire record, it is seen that the appellant-management had issued the charge memo dated 01.07.2009 containing 21 charges against the first respondent. The learned Single Judge, after considering the nature of the charges, had come to the conclusion that the charges were vague and that the charge memo was punitive in nature.

6. It is well settled that ordinarily, a charge memo should not be interfered with by the Court at the threshold, unless it is shown that the same has been issued by an authority having no jurisdiction or that there is absolutely no material to proceed against the delinquent. However, in the present case, the learned Single Judge, on examination of the charges, has found them to be vague in nature and has consequently interfered with the charge memo.

7. We do not find any compelling ground to interfere with the well-reasoned order passed by the learned Single Judge.



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8. Accordingly, the writ appeal is dismissed. No costs. Consequently,
the connected miscellaneous petition is closed.

[M.D.I.,J] [N.D.K.,J]

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Index: Yes/No
Internet: Yes/No
PKN

To

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Tirunelveli District, Tirunelveli.

2. The Assistant Elementary Educational Officer
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