



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.9463 of 2015

and

W.M.P.[MD]No.3980 of 2016

WEB COPY

Adi Diravida High School,
Represented by its Correspondent cum Manager,
J.R.John Samuel Nallathambi,
Ramaianpatty,
Thachanallur Post,
Tirunelveli District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 09.

2.The Director of School Education,
College Road,
Nungambakkam,
Chennai - 6.

3.The Joint Director of School Education,
College Road,
Nungambakkam,
Chennai - 6.

4.The Chief Educational Officer,
Chief Educational Campus,
Kokkarakulam,
Tirunelveli- 627 009,
Tirunelveli District.

5.The District Educational Officer,
S.N.High Road,
Tirunelveli - 627 001.
Tirunelveli District.

6.Y.Rosilin

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the fourth respondent to give effect to the order of dismissal dated 26.05.2015 issued to the sixth respondent, passed by the petitioner herein within the time period stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>
For Petitioner : Mr.T.Lajapathi Roy
For Respondents 1&5 : Mr.S.Srimathy
Special Government Pleader



For Respondent No.6 : No appearance

ORDER

The relief sought for in the present writ petition is for a direction to give effect to the order of dismissal dated 26.05.2015, issued to the sixth respondent passed by the writ petitioner school.

2.The writ petitioner is a minority High School. The sixth respondent was serving as Headmistress (incharge) in the petitioner school. On account of certain serious allegations of illegal collection of money from the students, the charge memorandum was issued to the sixth respondent and after conducting an enquiry, the school passed an order of dismissal dismissing the services of the writ petitioner in order dated 26.05.2015.

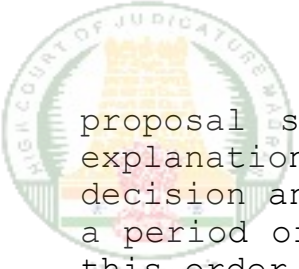
3.The learned Counsel for the writ petitioner states that the order of dismissal was communicated to the fourth respondent, for approval to be granted under the provisions of the Tamil Nadu Recognised Private Schools (Regulations) Act, 1973. However, the said proposal submitted by the writ petitioner school is kept pending. Thus, the writ petitioner is constrained to move the present writ petition.

4.Learned Counsel for the sixth respondent states that the order of dismissal itself was illegal and therefore, she must be given an opportunity to defend her case before the Chief Educational Officer in the event of considering the proposal submitted by the writ petitioner school.

5.Learned Special Government Pleader made a submission that the school is under direct payment and therefore, the authorities may not consider at this point of time.

6.This Court is of the considered opinion that the direct payment is only with reference to the grant-in-aid to be disbursed and the salary to be paid. Pursuant to the direct payment order, the salary to the teaching and non-teaching staff are to be paid directly by the competent authority. However, the administration of the school rests with the writ petitioner management and the same cannot be disputed. However, the fact remains that the sixth respondent was already dismissed from service by the school management in order dated 26.05.2015. Further, it is contended that the writ petitioner school submitted a proposal to approve the dismissal order of the fourth respondent.

7.Under these circumstances, the sixth respondent is permitted to submit a detailed explanation / objection / representation to the fourth respondent regarding the proposal submitted by the writ petitioner school management with reference to the order of dismissal within a period two [2] weeks from the date of receipt of a copy of this order. On receipt of the explanation from the sixth respondent, the fourth respondent is directed to consider the



proposal submitted by the writ petitioner school along with the explanations, if any, submitted by the sixth respondent and take a decision and pass orders on merits and in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 09.
2. The Director of School Education,
College Road, Nungambakkam,
Chennai - 6.
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Tirunelveli District.
5. The District Educational Officer,
S.N.High Road,
Tirunelveli - 627 001.
Tirunelveli District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-74718[F] dated 11/07/2019)
+1 CC to M/s.SPL GP (SR-74885[F] dated 11/07/2019)
+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-74844[F] dated 11/07/2019)

W.P[MD]No.9463 of 2015

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MR

KK/SAR/25.07.2019/3P-9C