



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.8360 of 2010

and

M.P(MD)Nos.1 & 2 of 2010

WEB COPY

G.Arunothaya Selvi

... Petitioner

Vs.

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

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

3.The Secretary,
Suyambulingam Primary School,
T.N.Pudugudi, Puliangudi,Tirunelveli District.

4.J.Suyambulingam,
Secretary,
Suyambulingam Primary School,
T.N.Pudugudi, Puliangudi,Tirunelveli District.

5.G.P.Fredric Joseph

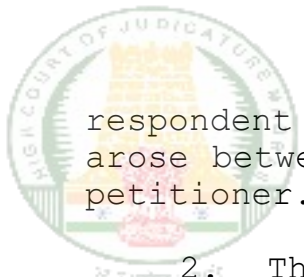
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in relating to the impugned charge memo (Major) issued by the 3rd respondent in his proceedings in Memo.No.DP/GA/09, dated 01.07.2009, the Charge Memos (Minor) in Memo No.DP/GA/09 dated 01.07.2009 and the consequential orders in Memo No.DP/GA/2009 dated 19.04.2010, DP/GA/2009, dated 28/06/2010 and quash the same.

For Petitioner	:	Mr.S.C.Herold Singh
For Respondents	:	Mr.J.Gunaseelan Muthiah
(R1 & R2)		Additional Government Pleader
For Respondents	:	Mr.C.Jeganathan
(R3 & R4)		
For Respondent-5	:	No appearance

O R D E R

The petitioner is working as Secondary Grade Teacher in the 3rd respondent Suyambulingam Primary School. The daughter of the petitioner was studying in Seventh Day Adventist Church School at Puliangudi, which is an English Medium School. The 3rd respondent forced the writ petitioner to admit her daughter in the 3rd



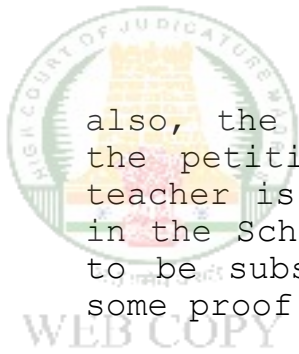
respondent School. The petitioner narrates there from the dispute arose between the Correspondent of the 3rd respondent School and the petitioner.

2. The Chief Educational Officer also inspected the 3rd respondent School and made an enquiry with all staff and obtained written complaints of the staff, in view of the petitioner complaint, dated 21.08.2007. The 4th respondent was warned by the Authorities. In view of the said occurrence, the 4th respondent has taken personal vengeance against the Writ Petitioner and frequently made quarrel with the petitioner by using filthy languages before the students. The petitioner narrates various instances and disputes between the School Correspondent and herself. Narrating all such occurrences, the petitioner states that the Management has taken personal vengeance against her and issued the chargememorandum.

3. The impugned Chargememo, dated 01.07.2009 reveals that the allegations set out in the complaints submitted by the writ petitioner are converted as charges. The other charges states that she was not teaching the students properly. The 3rd set of charge on the same date on 01.07.2009 also reveals that the charges against the writ petitioner are mostly based on the allegations raised by her against the Management and the other allegations are general allegations. For instance, she was not taking classes properly and she was not behaving with the students properly. The way in which the charges are framed against the petitioner reveals that there was some motive in the mind of the Correspondent of the School Management

4. Undoubtedly, the Management of the School is empowered to institute the disciplinary proceedings. However, fair and impartial approach is important, while initiating disciplinary proceedings against a Teacher. Certain personal likes and dislikes cannot be a ground for institution of disciplinary proceedings. Disciplinary proceedings are to be initiated only in the interest of the Institution and to maintain discipline in the School Administration. Contrarily, if the motive is developed between the Management and a Teacher, it would be not appropriate to institute disciplinary proceedings by the Management.

5. Perusal of the allegations set out against the writ petitioner, this Court is of the considered opinion that some of the allegations are nothing but the complaints given by the petitioner to the Competent Educational Authorities, against the Management. Those allegations cannot form a charge, as it was a complaint by the writ petitioner against the Management. The genuinity of the allegations are only to be enquired into by the Competent Educational Authorities and because a teacher submits a complaint against the Management, the Management cannot frame charges. So



also, the other allegations also flimsy, in view of the fact that the petitioner was not taking classes properly. Undoubtedly, a teacher is expected to take classes efficiently and behave properly in the School, while duty hours. However, the said allegations are to be substantiated. The allegations are to be established with some proof or evidences. Mere statement is insufficient.

6. This apart, when certain charges, which are all enquired into or clubbed along with the other charges, which are all flimsy and certain charges with reference to the complaints submitted by the writ petitioner against the Management before the Educational Authorities, this Court is of the considered opinion that no purpose would be served in the event of allowing the Management to proceed with the enquiry. In view of these facts, this Court has no hesitation in arriving the conclusion that the charges against the writ petitioner are vague and motivated. Thus, this Court is inclined to consider the Writ Petition.

7. Accordingly, the impugned chargememos issued by the 3rd respondent in proceedings Memo.No.DP/GA/09, dated 01.07.2009, the Charge Memos (Minor) in Memo No.DP/GA/09 dated 01.07.2009 and the consequential orders in Memo No.DP/GA/2009 dated 19.04.2010, DP/GA/2009, dated 28/06/010 are quashed and the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2021

Sub Assistant Registrar(CS)

MPK

To

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

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

+1 CC to M/s Veera Associates ,in SR.No.26377.

+1 CC to Special Government Pleader SR.No.26010.

W.P. (MD)No.8360 of 2010

16.12.2020

(SV2) CO

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