

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.2544 of 2018

L.Kavitha

...Petitioner

Vs

- 1.The Chief Educational Officer,
The Department of Education,
The Government of Tamilnadu,
Panagal Building First Floor,
Saidapet, Chennai-600015.
 - 2.The Joint Director of School Education,
Higher Secondary,
The Department of Education,
The Government of Tamilnadu,
Chennai-600 006.
 - 3.The Correspondent,
GT Aloha Vidhya Mandir School,
Neelankarai, Chennai.
 - 4.The Chief Executive officer (C.E.O),
GT Aloha Vidhya Mandir School,
Neelankarai, Chennai.
 - 5.The Principal,
GT Aloha Vidhya Mandir School,
Neelankarai, Chennai.
 - 6.The Central Board of Secondary
Education,
The Secretary,
Shiksha Kendra,
2, Community Centre,
Preet Vihar, New Delhi 110092.
- ...Respondents

(R6 impleaded vide order dated
11.04.2019 made in W.M.P.No.10647
of 2019 in W.P.No.2544 of 2018)

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Certiorarified
Mandamus calling for the entire records pertaining to the
relieving letter dated 05.10.2017 issued by the fourth
respondent and quash the same and direct the third respondent
to reinstate the petitioner in the post of Arts and Crafts

Teacher at GT Aloha Vidhya Mandir School, Neelankarai,
Chennai.

For Petitioner : Mr.G.Murugendran

For Respondents: Mr.S.Suresh Kumar, GA
for R1 & R2
: Mr.K.R.Hariharan for R3 to R5

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.

2. The case of the 5th respondent herein is that the petitioner had obtained the Class-V Tamil question paper from one Mr.A.S.Murugan, HOD-Tamil for her son's convenience. In this factual background, the petitioner herein had submitted her resignation on 30.09.2017.

3. The learned counsel for the petitioner would submit that the letter of resignation was not tendered voluntarily, but was obtained by the 5th respondent School with undue coercion. In support of such a statement, the learned counsel would rely on the e-mail conversation between the petitioner and the 5th respondent School.

4. Per contra, learned counsel for the respondents 3 to 5 would submit that the petitioner herein had admitted her guilt and offered to tender her resignation on the understanding that the 5th respondent would give her a clean chit of the service records at the time of relieving. The learned counsel also submitted that the petitioner herein is gainfully employed from 04.04.2018 at Ramachandra Public School, Kottivakkam, which fact is not disputed by the petitioner.

5. Insofar as the delinquency of the petitioner is concerned, there is no material to show that there was a proper enquiry conducted and the charges were proved against the petitioner. However, the case of the 4th respondent seems to be that in view of the petitioner's voluntary offer to tender her resignation and the counter offer by the 5th respondent to give her a clean chit of the service records, no enquiry was conducted and that the 5th respondent had accepted the letter of resignation. However, the email conversation of the petitioner and the 5th respondent, dated 22.10.2017 indicates that the 5th respondent herein had indeed asked the petitioner to tender her resignation in the following manner:-

"Dear Ms.Kavitha,

We regret to inform you that your dereliction
of duty has been taken very seriously.
Subsequent to your personal discussion with

the CEO, the Management has decided to relieve you from your duties from today, Saturday, 30th September 2017.

You are requested to tender your resignation immediately and handover all school documents to the Vice Principal/Academic Coordinator on Tuesday, 3rd October 2017.

--

Thanks & Regards,
Mrs.Rama J.Sudev
Principal"

6. Likewise, on the same day, the petitioner herein had also sent an email requesting the 5th respondent School to reconsider the decision and retain her in the School. This request was followed by another email sent on 01.10.2017, a copy of which has been produced by the 5th respondent. These email conversations clearly indicate that the request for handing over a letter of resignation had come from the said 5th respondent. Per contra, there is no other material to prove that the 5th respondent herein had accepted to give a clean chit of the service records to the petitioner, in consideration to her resignation of the job.

7. These disputed facts cannot be gone into by this Court exercising its power under Article 226 of the Constitution of India. It is for this purpose, enquiries into delinquencies are conducted and since both the parties are disputing the facts with regard to the resignation letter, I am of the view that an enquiry can be conducted by the 5th respondent School, after framing of proper charges.

8. In this background, the letter dated 05.10.2017, relieving the petitioner from her services, is quashed and the matter is remanded back to the 5th respondent herein for conduct of an enquiry. Prior to commencement of enquiry, the 5th respondent herein shall give an opportunity to the petitioner to give her objections on the charges proposed against her and on due consideration of such charges, the 5th respondent herein shall appoint an independent Enquiry Officer and the said Enquiry Officer shall complete the enquiry, within a period of 3 months from the date of receipt of the objections of the petitioner. During the course of enquiry, the Enquiry Officer shall ensure that the principles of natural justice are strictly adhered to.

9. With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

hvk

To

1.The Chief Educational Officer,
The Department of Education,
The Government of Tamilnadu,
Panagal Building first Floor,
Saidapet, Chennai-600015.

2.The Joint Director of School Education,
Higher Secondary,
The Department of Education,
The Government of Tamilnadu,
Chennai-600 006.

3.The Secretary,
The Central Board of Secondary Education,
Shiksha Kendra,
2, Community Centre,
Preet Vihar, New Delhi 110092.

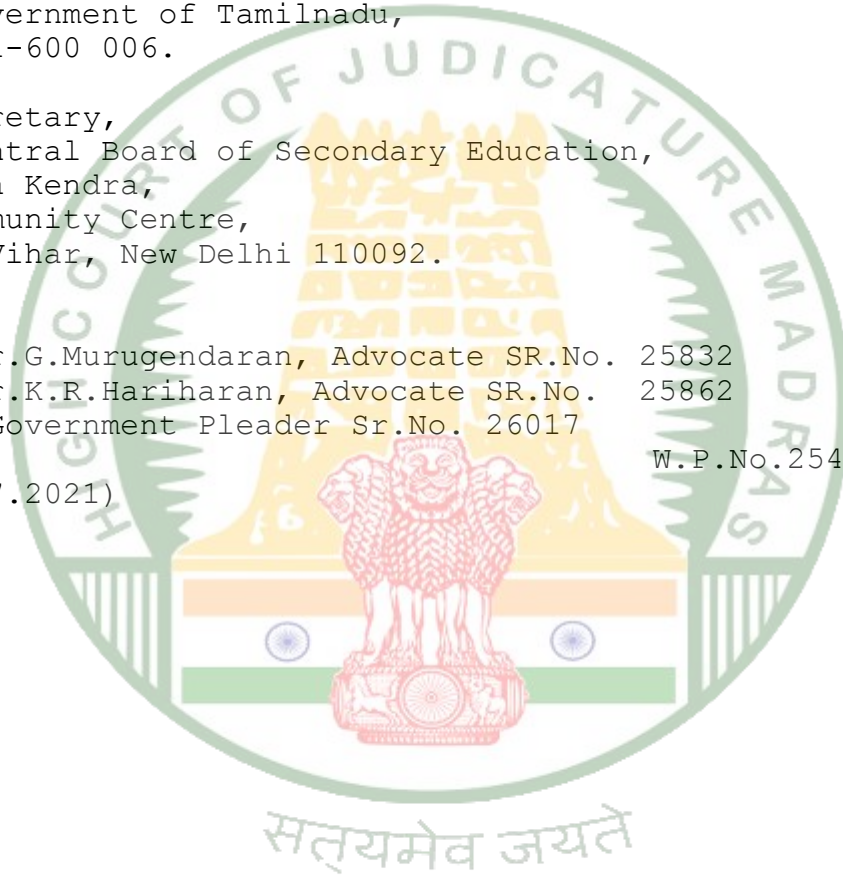
+1cc to Mr.G.Murugendaran, Advocate SR.No. 25832

+1cc to Mr.K.R.Hariharan, Advocate SR.No. 25862

+1 cc to Government Pleader Sr.No. 26017

W.P.No.2544 of 2018

A.SK(08.07.2021)



WEB COPY