



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

WEB COPY

W.P. (MD)No.11249 of 2016

and

W.M.P. (MD)No.8612 of 2016

R.Vijayalakshmi

... Petitioner

versus

1. The Joint Director,
Higher Secondary Education,
Directorate of School Education,
Chennai - 6.
2. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.
3. The District Educational Officer,
O/o. The District Educational Office,
Kovilpatti,
Thoothukudi District.
4. The Secretary,
Parvathi High School,
Illuppaiyurani,
Kovilpatti,
Thoothukudi District.
5. Mr.Vinothkumar,
The Secretary,
Parvathi High School,
Illuppaiyurani, Kovilpatti,
Thoothukudi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records relating to the impugned suspension order issued by the 4th respondent in his proceedings No.1/2015 dated 14.06.2016 and the consequential impugned charge memo issued by the 4th respondent in his proceedings No.2/2015 dated 14.06.2016 and quash the same as illegal.



For Petitioner : Mr.M.Ajmalkhan
Senior Counsel
for M/s.Ajmal Associates

For Respondents: Mr.C.M.Marichelliah Prabhu,
Additional Government Pleader
for R1 to R3

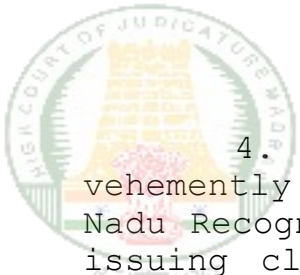
Mr.M.Saravanan for R4 and R5.

ORDER

The petitioner has filed this writ petition seeking for the issuance of Writ of Certiorari, to call for the records relating to the impugned suspension order issued by the 4th respondent in his proceedings No.1/2015 dated 14.06.2016 and the consequential impugned charge memo issued by the 4th respondent in his proceedings No.2/2015 dated 14.06.2016 and quash the same as illegal.

2. The case of the petitioner is that the 4th respondent School is a Private Aided School and is receiving aid from the State Government. In the 4th respondent School, the petitioner was initially appointed as B.T. Assistant (Physics) on 27.08.2004. Thereafter, she was promoted as Headmistress on 17.06.2010. According to the petitioner, the Secretary of the School, namely, 4th respondent is none other than the father-in-law of the second wife's son. Due to personal dispute, the 4th respondent decided to throw away the petitioner from the School and in order to place the petitioner under suspension, they created records as if the School Committee Meeting was convened on 14.04.2016, wherein, it was decided to place the petitioner under suspension. As such, the petitioner was placed under suspension, vide a proceedings dated 14.06.2016 and subsequently, a charge memo was also issued on the said date. Challenging the same, the present writ petition has been filed.

3. The learned Senior Counsel appearing for the petitioner would submit that as per Rule 14 of the Tamil Nadu Recognised Private Schools (Regulation) Rules, there must be a seven days clear notice to the members of the School Committee. In the present, the 4th respondent claimed that the notice was sent on 07.04.2016. However, the School Committee Meeting was convened on 14.04.2016, with regard to the action taken against the petitioner. Therefore, it is a clear violation of the Tamil Nadu Recognised Private Schools (Regulation) Rules, since there was no seven days clear notice given to the members of the School Committee. Hence, the writ petition has to be allowed.



4. The learned counsel appearing for the 4th respondent vehemently opposed that all the procedures enumerated in the Tamil Nadu Recognised Private Schools (Regulation) Rules were followed by issuing clear notice to the members of the School Committee and thereafter, the School Committee had taken a decision to place the petitioner under suspension. Hence, there is no violation of the said Rules.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the 4th respondent.

6. The petitioner is none other than the sister-in-law of the 4th respondent and there was a family dispute with regard to the maintaining of the School and therefore, the 4th respondent initiated disciplinary proceedings against the petitioner.

7. The core issue involved in the present case is that whether the School authority, namely, the 4th respondent placed the petitioner under suspension, after following the Rule 14 of the Tamil Nadu Recognised Private Schools (Regulation) Rules or not?

8. As per Rule 14 of the Tamil Nadu Recognised Private Schools (Regulation) Rules, there must be a seven days clear notice to the Committee Members.

9. On perusal of the counter affidavit, it is seen that the notice was given on 07.04.2016 and the meeting was convened on 14.04.2016 and there is no proof filed before this Court with regard to the notice or acknowledgement in respect of service of clear notice to the School Committee Members. In fact, the 4th respondent sent a letter to the Committee Members by RPAD only on 07.04.2016 not before that. Hence, there is a clear violation of the Rules. Therefore, the impugned order is liable to be set aside.

10. Accordingly, the Writ Petition is allowed and the impugned order passed by the second respondent is set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Kovilpatti,
Thoothukudi District.

+1 CC to Mr. Special Government Pleader, SR.No.5664
+1 CC to Mr.R.SUBRAMANIAN, Advocate SR.No. 5579
+1 CC to Mr.AJMAL ASSO., Advocate SR.No. 5511

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TP (CO)

TR(22.03.2021) 4P 7C