



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.02.2021

CORAM:

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

W.P. (MD)No.19266 of 2016

R.V.Thevar Memorial Girls High School,
Cholapuram,
Rajapalayam,
Virudhunagar District
by its Secretary
Mr.V.Ramar.

... Petitioner

Vs.

1.The Chief Educational Officer,
Virudhunagar.

2.The District Educational Officer,
Srivilliputhur.

3.J.Banu Rekha
(R3 is impleaded vide Court order dated
02.11.2016 in W.M.P.(MD).No.14326 of 2016).

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to pass appropriate order on the petitioner's representation dated 28.03.2016, based upon the proceedings of the second respondent in Na.Ka.No.496/A4/2016, dated 02.09.2016.

For Petitioner : Mr.K.K.Kannan

For R1 & R2 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For R3 : Mr.M.Saravanan

O R D E R

This writ petition has been filed for a direction to the first respondent to pass appropriate order on the petitioner's representation, dated 28.03.2016, based upon the proceedings of the second respondent in Na.Ka.No.496/A4/2016, dated 02.09.2016.



2. The case of the petitioner is that the petitioner School was started in the year 1986 as Girls High School and got recognition from the Government. On 24.02.2014, one Banu Rekha was appointed as Physical Education Teacher and her appointment was also approved by the second respondent, by his proceedings, dated 13.05.2014. Thereafter, the School Committee found that the said Banu Rekha suppressed the fact that she was working in the Police Department, while she joined in the petitioner School and she received two salaries from the Government at the same time, for which, she was suspended from service on 10.02.2015. Thereafter, a charge memo was served on the delinquent on 07.04.2015. After conducting enquiry, based on the enquiry report, the School Committee decided to dismiss the delinquent Banu Rekha from service and to that effect, a resolution has been passed, on 12.03.2016. Thereafter, the petitioner School made a representation to the first respondent, on 28.03.2016, requesting him to grant prior permission to impose major punishment. The said representation was forwarded by the first respondent to the second respondent. Thereafter, the second respondent submitted his report to the first respondent with enquiry report, on 02.09.2016. However, the first respondent did not pass any orders. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

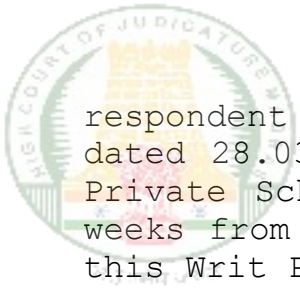
3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the first respondent to dispose of the representation of the petitioner, dated 28.03.2016, on merits and in accordance with law, within a specified period.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 has no serious objection for such an order being passed by this Court.

5. The learned counsel appearing for the third respondent would submit that this Court may permit the third respondent to raise all the grounds before the first respondent.

6. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 and 2, learned counsel appearing for the third respondent and perused the materials available on record.

7. Considering the facts and circumstances of the case, though the School Committee have a power to impose major punishment, as per Sections 18(1) and 22(1) of the Tamil Nadu Recognised Private Schools (Regulations) Act, 1973, it appears that they conducted enquiry against the third respondent and the same was forwarded to the designated authority constituted under Section 22(1) of the said Act, for prior permission and till date no order was passed by the first respondent. Hence, this Court is inclined to direct the first



respondent to pass orders, on the representation of the petitioner, dated 28.03.2016, as per Section 22(1) of the Tamil Nadu Recognised Private Schools (Regulations) Act, 1973, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Chief Educational Officer,
Virudhunagar.

2.The District Educational Officer,
Srivilliputhur.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-7717[F] dated 01/03/2021)

+1 CC to M/s.SPL GP (SR-7866[F] dated 01/03/2021)

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-7819[F] dated 01/03/2021)

**W.P. (MD)No.19266 of 2016
26.02.2021**

MA (19.05.2021) 3P 6C