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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.26088 of 2021

and

W.M.P.Nos.27537 and 27540 of 2021

A.Kalyani

...Petitioner

vs.

1. The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.

2. The District Educational Officer,
Chennai (Central),
Chennai - 600 015.

3. The School Secretary,
Kumararajah Mathiah Higher Secondary School,
No.4, Crescent Avenue Road,
Gandhi Nagar, Adyar,
Chennai - 600 020.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 3rd respondent in Proceedings No.NIL, dated 12.12.2019 and quash the same and consequently, direct the respondents to reinstate the petitioner into service conferring all the consequential benefits to the petitioner.

For Petitioner : Mr.P.Ganesan
for M/s.C.S.Associates

For Respondents : Mr.Haja Nazirudeen
Additional Advocate General
Assisted by Mrs.S.Anitha
Special Government Pleader
(for R1 & R2)

Mr.S.Vasudevan (for R3)



O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 3rd respondent in Proceedings No.NIL, dated 12.12.2019 and quash the same and consequently, to direct the respondents to reinstate the petitioner into service conferring all the consequential benefits to the petitioner.

2. The allegation of the petitioner that the 3rd respondent/school by the impugned order dated 12.12.2019 has placed the petitioner under suspension for the involvement of the criminal case in Crime No.10/2018 under Sections 120(B), 406, 420 and 34 I.P.C.

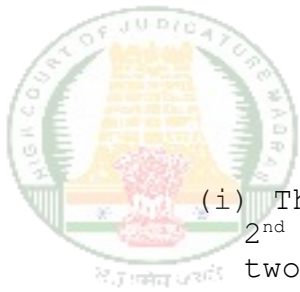
3. According to the petitioner, as per Section 22-(3) (a) and (b) of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, it clearly states that,

- (a) no teacher or other person employed in any private school shall be placed under suspension, except when an inquiry into the gross misconduct, within the meaning of the Code of Conduct prescribed under sub-section (1) of Section 21, of such teacher or other person is contemplated.
- (b) no such suspension shall remain in force for more than a period of two months from the date of suspension and if such inquiry is not completed within that period, such teacher or other person shall, without prejudice to the inquiry, be deemed to have been restored as teacher or other employee:

Provided that the competent authority may, for reasons to be recorded in writing, extend the said period of two months, for a further period not exceeding two months, if, in the opinion of such competent authority, the inquiry could not be completed within the said period of two months for reasons directly attributable to such teacher or other person.

4. In the light of the above, the 3rd respondent without reviewing the said suspension order, the petitioner has been continuously placed under suspension. Further, according to the petitioner, the 2nd respondent is the competent authority for approving the further extension of suspension order as against the petitioner.

5. In view of the above submissions made by the learned counsel appearing for the petitioner, this Court is inclined to pass orders as follows:-



(i) The petitioner is directed to make a representation to the 2nd respondent by narrating entire facts, within a period of two weeks from the date of receipt of a copy of this order.

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(ii) On such representation being received by the 2nd respondent, the 2nd respondent is directed to consider the said representation and to pass appropriate orders in the light of the provisions under the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, after providing opportunity to the petitioner and the 3rd respondent/school, as expeditiously as possible, within a period of eight weeks, thereafter.

6. With the above directions, the writ petition stands disposed of. Consequently, the connected miscellaneous petition are closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

dm

To

1. The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.

2. The District Educational Officer,
Chennai (Central),
Chennai - 600 015.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.22486

+1cc to M/s.S.Vasudevan, Advocate, S.R.No.22286

+1cc to the Government Pleader, High Court, S.R.No.22768

W.P.No.26088 of 2021

GP(CO)
RN(20/04/2022)