



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.5170 of 2020

and W.M.P. (MD)Nos.4504 to 4506 of 2020

WEB COPY

C.David Raj

... Petitioner

versus

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Kanyakumari District
at Nagercoil.
3. The District Educational Officer,
Kuzhithurai,
Kanyakumari District.
4. Concordia Lutheran High School,
Rep. by its Administrator,
Kalparaipottai,
Kanyakumari District.

... Respondents

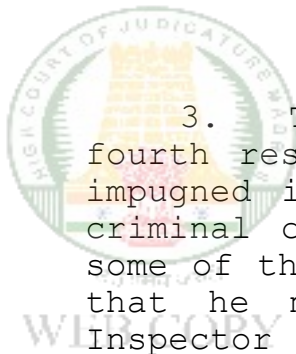
Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 4th respondent pertaining to its order bearing Proc.No.134/ADMIN/IELC/2019 dated 22.07.2019 and quash the same and consequently, direct the respondents to reinstate the petitioner into service by considering the representation of the petitioner dated 30.09.2019 within a time frame that may be stipulated by this Court.

For Petitioner	:	No appearance
For R1 to R3	:	Mr.J.Ashok, Additional Government Pleader
For R4	:	No appearance

ORDER

This writ petition is filed challenging the order of suspension dated 22.07.2019 passed by the fourth respondent.

2. Today, when the matter is taken up for hearing, there is no representation for the petitioner.



3. The petitioner, who is working as a Headmaster in the fourth respondent School, is placed under suspension by the order impugned in this writ petition, pursuant to his involvement in a criminal case registered in Crime No.33 of 2019. The parents of some of the students have lodged a complaint against the petitioner that he misbehaved with the students and based on that, the Inspector of Police, All Women Police Station, Kolechel, registered a case in Cr.No.33 of 2019 against the petitioner on 10.07.2019 for the offences punishable under Sections 9(f), 9(m) and 10 of Protection of Children from Sexual Offences Act, 2012. The petitioner was arrested and detained under judicial custody from 10.07.2019 to 13.08.2019. Consequently, the impugned order of suspension dated 22.07.2019 was issued by the fourth respondent and the same is challenged before this Court.

4. This writ petition is filed mainly on the ground that the order of suspension cannot survive for a period of more than two months as per the provisions of Section 22(3)(d) of the Tamil Nadu Recognized Private Schools (Regulation) Act 1973.

5. Section 22 of the Tamil Nadu Recognized Private Schools (Regulation) Act 1973 is extracted hereunder:

"22. Dismissal, removal or reduction in rank or suspension of teachers or other persons employed in private schools -- (1) Subject to any rule that may be made in this behalf, no teacher or other person employed in any private school shall be dismissed, removed or reduced in rank nor shall his appointment be otherwise terminated except with the prior approval of the competent authority.

(2) Where the proposal to dismiss, remove or reduce in rank or otherwise terminate the appointment of any teacher or other person employed in any private school is communicated to the competent authority, that authority shall, if it is satisfied that there are adequate and reasonable grounds for such proposal, approve such dismissal, removal, reduction in rank or termination of appointment and communicate its decision within 2 months, after getting all the relevant materials for taking a decision.

(3) (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."

6. In view of the above provisions, the impugned order cannot survive for a period of two months and can be extended for a further period of two months on the reasons to be assigned.

7. It appears that the order of suspension was passed on 22.07.2019 and by this time, the period as stipulated in the provisions under Section 22(3)(b) of the Tamil Nadu Recognized Private Schools (Regulation) Act 1973 is over.

8. Therefore, the writ petition is allowed and the impugned order of suspension dated 22.07.2019 passed by the fourth respondent is hereby set aside. The respondents are directed to proceed with the departmental proceedings and conclude the same within a period of six months from the date of receipt of a copy of this order, after providing an opportunity of hearing to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Kanyakumari District at Nagercoil.
3. The District Educational Officer,
Kuzhithurai,
Kanyakumari District.



4. The Administrator,
Concordia Lutherean High School,
Kalparaipottai,
Kanyakumari District

+1 CC to M/s.S.C.HEROLDSINGH, Advocate (SR-1803[F] dated 20/01/2022)

+1 CC to M/s.SPL.GP (SR-1739[F] dated 19/01/2022)

W.P(MD)No.5170 of 2020

12.01.2022

SK(CO)

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