



W.P.(MD)Nos.17276 & 14426 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.17276 & 14426 of 2022

and

W.M.P(MD)Nos.12607, 10325 & 10327 of 2022

W.P.(MD)No.17276 of 2022:

S.Bright

... Petitioner

Vs

- 1.The Chief Educational Officer,
Kanyakumari,
Kanyakumari District.
- 2.The District Educational Officer,
Tiruvattar,
Kanyakumari District.
- 3.The Correspondent,
St.Joseph's Higher Secondary School,
Thirithuvapuram,
Kanyakumari District – 629 163.
- 4.The Corporate Manager,
Corporate Management of Roman Catholic Schools,
Diocese of Kuzhithurai,
Corporate Management Office,
Bishop's House Campus,
Unnamalaikadai – 629 179,
Kanyakumari District.



W.P.(MD)Nos.17276 & 14426 of 2022

5. The Rt.Rev.The Bishop,
Diocese of Kuzhithurai,
Bishop's House Campus,
Unnamalaikadai – 629 179,
Kanyakumari District.

6. Rev.Fr.Dr.M.Peter,
The Correspondent,
St.Joseph's Higher Secondary School,
Thiruthuvapuram – 629 163,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the third respondent herein in No.09/C2/2022 dated 26.07.2022 and quash the same.

For Petitioner : Mr.K.Govindarajan
for Mr.T.Pon Ramkumar

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R.1 & R.2

Mr.Isaac Mohanlal
Senior Counsel
for M/s. Issac Chambers for R.3 & R.6

No Appearance for R.4 & R.5

W.P.(MD)No.14426 of 2022:

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... Petitioner

Vs



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Bishop's House Campus,
Unnamalaikadai – 629 179,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent herein in Ref.COR/DA/2022/1 dated 21.06.2022 and quash the same and consequently direct the respondents 1 and 2 herein to constitute a committee consisting of neutral persons or with the members of the education authority and conduct an inspection and scrutinize the accounts of the third respondent school with regard to loss caused to the tune of Rs.1,32,95,622/- to the third respondent school.



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For Petitioner : Mr.K.Govindarajan
for Mr.T.Pon Ramkumar

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R.1 & R.2

Mr.T.Lajapathi Roy for R.3 & R.5

No Appearance for R.4

COMMON ORDER

Heard the learned counsel on either side.

2.S.Bright is the petitioner in both the writ petitions. The petitioner is working as P.G.Assistant in St.Francis Higher Secondary School, Vavarai, Kanyakumari District. The School Management had suspended him from service vide order dated 21.06.2022. A charge memo has also been issued. Questioning the same, these writ petitions have been filed.

3.The School in question is a partly aided minority Educational Institution. It is governed by the provisions of the Tamil Nadu Private Schools Regulation Act, 1974. Section 22(3) of the said Act is as follows:

“(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.”

In this case, the suspension order was passed on 21.06.2022. Two months period expired on 31.08.2022. The competent authority has not passed any order permitting extension of the suspension period. Therefore, the writ petitioner is deemed to have been reinstated in service. Of course, the Management cannot be compelled to assign duty to the writ petitioner. The challenge against the order of suspension does not survive in view of the efflux of time. W.P(MD)No.17276 of 2022 is disposed of with the following directions:



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a)The writ petitioner shall be paid forthwith and without any delay the subsistence allowance for the period of two months starting from the date of suspension;

b)He shall be paid the full salary for the period commencing from 31.08.2022. The rights of the writ petitioner will abide by the outcome of the disciplinary proceedings.

4.Coming to the issue of charge memo, even before the arguments commenced, the learned Senior Counsel appearing for the School Management submitted that they propose to withdraw the charge memo. This is because the charge memo is suffering from vice of vagueness. In view of the said stand taken by the Management, W.P(MD)No.14426 of 2022 is also dismissed as infructuous. The Management is at liberty to issue a fresh charge memo and it is again open to the writ petitioner to question the same in the manner known to law. Even while granting liberty to the Management, I make it clear that I have not gone into the merits of the matter and I leave open all the contentions and defences of the writ petitioner. Connected miscellaneous petitions are closed. No costs.

01.11.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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