



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.20969 of 2021

W.M.P (MD) .No.17568 of 2021

R.Valavanthal

... Petitioner

-vs-

1. The Chief Educational Officer,
O/o.The Chief Educational Office,
Virudhunagar,
Virudhunagar District.
 2. The District Educational Officer,
O/o.The District Educational Office,
Virudhunagar,
Virudhunagar District.
 3. The Secretary,
Kshatriya Girls Higher Secondary School,
Virudhunagar,
Virudhunagar District.
 4. The Head Master,
Kshatriya Girls Higher Secondary School,
Virudhunagar,
Virudhunagar District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent by his proceedings in No.73/2020-2021 dated 23.10.2021 and quash the same as illegal and consequently to direct the Respondents to reinstate the petitioner as Junior Assistant in the 3rd Respondent School and pay arrears of salary and other monetary benefits within the period that may be stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.C.Venkatesh Kumar

For Respondent : Mr.G.V.Vairom Santhosh,
Additional Government Pleader
for R1
: Mr.S.Ramsundar Vijayaraj for R3
: Mr.K.Seenu Ramachandran for R4

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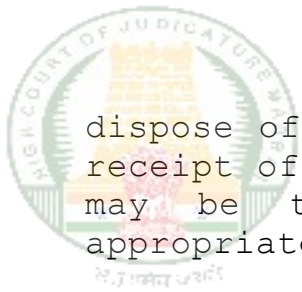
The order of termination issued by the third respondent/Secretary of Aided School in proceedings dated 23.10.2021 is under challenge in the present writ petition.

2. The petitioner was working as Junior Assistant in the School. On initiation of disciplinary proceedings, he was placed under suspension. The charges were framed and the domestic enquiry was conducted. The petitioner was imposed with the punishment of removal from service.

3. The learned counsel appearing for the petitioner made a submission that the prior approval as contemplated under Rule 22 (1) of the Tamil Nadu Recognised Private Schools (Regulation) Act has not been obtained and therefore, the order of dismissal is invalid in the eye of law.

4. The learned Additional Government Pleader and the learned counsel appearing for the third respondent School are unable to establish that the necessary approvals were obtained which is mandatory under the Act. However, the learned counsel appearing for the third respondent made a submission that the Secretary sent a letter for rectification and the said letter is yet to be responded.

5. However, this Court is of the opinion that the mandatory requirement contemplated under the Act is to be complied with at the time of imposing the major penalty of dismissal from service. In the present case, the respondent failed to establish that such approval had been obtained before passing the order of dismissal. Thus, the case is to be remanded back for fresh consideration. Accordingly, the order impugned passed by the third respondent is quashed and the matter is remanded back for fresh consideration. The third respondent is at liberty to submit the necessary proposals seeking approval to the first respondent. The first respondent, who in turn, on receipt of proposals, is directed to



dispose of the same within a period of six weeks from the date of receipt of a copy of this order. Thereafter, all necessary actions may be taken by the third respondent School for passing appropriate orders.

6. With these directions, the Writ Petition stands allowed. However, there shall be no order as to costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

ssb

To

1. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.
2. The District Educational Officer,
O/o. The District Educational Officer,
Virudhunagar,
Virudhunagar District.
3. The Secretary,
Kshatriya Girls Higher Secondary School,
Virudhunagar,
Virudhunagar District.
4. The Head Master,
Kshatriya Girls Higher Secondary School,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.K. SEENU RAMACHANDRAN, Advocate
(SR-21394[F] dated 26/04/2022)



+1 CC to M/s.VEERA ASSOCIATES, Advocate
(SR-20220[F] dated 21/04/2022)

+1 CC to M/s.SPL.GOVERNMENT PLEADER
WEB COPY (SR-20483[F] dated 22/04/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate
(SR-20755[F] dated 25/04/2022)

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21.04.2022

SP/06/05/2022/4P/9C