



W.P.No.29735 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.03.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.P.No.29735 of 2014
and M.P.No.1 of 2014

Sr.Arockia Selvi

.... Petitioner

VS

1. State of Tamil Nadu
Rep. By its Secretary
School Education Department
Fort St.George, Chennai – 600 009

2.The District Elementary Educational Officer
District Elementary Educational Office
Tirrupur

3. The Correspondent
St.Xavier's Primary School
Puckulipalayam, Mangalm Post
Tirruppur District – 641 663
Respondents

....

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari to call for the records in order of termination of
service dated 16.10.2014 issued by the 3rd respondent to the petitioner and



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quash the same as illegal.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.J.C.Durairaj for R1 and R2
Additional Government Pleader
Mr.Isaac Mohanlal for R3
Senior Counsel
for Mr.Godson Swaminathan

ORDER

This writ petition has been filed to call for the records in order of termination of service dated 16.10.2014 issued by the 3rd respondent to the petitioner and quash the same as illegal.

2. The case of the petitioner is that she was appointed as a secondary grade teacher by the 3rd respondent. The appointment was made in the year, 2001. The 3rd respondent had initiated proceedings against the petitioner alleging unauthorized absence and she was suspended from service pending disposal of the disciplinary proceedings. The 3rd respondent ultimately passed an order on 16.10.2014 terminating her from service. The order was passed based on the report submitted by the Enquiry Officer. The said termination order was challenged primarily on the ground that the



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3rd respondent has not taken permission from the Government as provided under section 22(1) of the Tamil nadu Private Schools Regulation Act (herein after reffered to as “the act”)

3. This Court after hearing both sides has allowed the Writ Petition on 25.02.2015 by setting aside the impugned order dated 16.10.2014 and directed the 3rd respondent to reinstate the petitioner into service.

4. Aggrieved by the said order, the 3rd respondent had filed a Writ Appeal in W.A.No.902 of 2016 and this Court vide order dated 20.10.2016 remitted back the matter to the learned Single Judge stating that the order was in favour of the writ petitioner and she has been reinstated in service and is being paid salary, the same may be continued by way of maintaining status quo pending disposal of the writ petition or the appeal as the case may be and also granted liberty to both the parties to press for early disposal of the writ petition.

5. As per the direction of the Division Bench, this Court has again



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taken up the Writ Petition for consideration.

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6. Today when the matter was taken up for hearing, learned counsel for the petitioner would submit that the petitioner had given apology letter along with an undertaking to the respondents and she had also agreed to give up the salary for her unauthorized absence which is not disputed by the respondent. The Petitioner is also reinstated and continuing in her service.

7. Recording the submissions made by both the learned counsel for the petitioner and the respondents, this Writ Petition is closed. No costs. Consequently connected miscellaneous petition is closed.

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Index:Yes/No
Speaking/Non-speaking order
msv

To
1. The Secretary
State of Tamil Nadu
School Education Department
Fort St.George, Chennai – 600 009

2.The District Elementary Educational Officer

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Tirrupur

J.NISHA BANU,J.

msv

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