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W.P.No.26993 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 31.07.2023

DELIVERED ON : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.26993 of 2014
and W.M.P.No.3533 of 2021

Purnima Jha

... Petitioner

-Vs-

1. Director of Elementary Education,
D.P.I.Campus, Chennai-600 006.
2. Assistant Elementary Educational Officer,
Periamet Range,
Chennai-600 001.
3. Z.P.H.Gujarati Primary School,
(owned and managed by Z.P.H
Gujarati Kanya Kelavani Mandal),
represented by its Correspondent,
No.1, Ravanier Street,
Chennai-600 003.
4. Z.P.H Gujarati Kanya Kelavani Mandal,
Reg. Society S.No.34 of 1958
represented by its Committee of Management,
Z.P.H Gujarati Primary School,
No.1, Ravanier Street,
Chennai-600 003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for



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issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the approval of the order of termination dated 28.11.2013 by the proceedings of the competent authority in Na.Ka.1443/A1/2012 dated 28.05.2014 in ordering the termination of services of the petitioner as Junior Grade Secondary Grade Teacher in the third respondent institution and quash the same and consequently direct the third and fourth respondents herein to reinstate the services of the petitioner as Junior Grade Secondary Grade Teacher in the third respondent institution with all service and attendant benefits.

(Prayer amended vide order dated 03.04.2023 made in W.M.P.No.3532 of 2021 in W.P.No.26993 of 2014)

For Petitioner : Mr.P.V.Balasubramaniam, Senior Counsel
for M/s Rohini Ravikumar

For Respondents
R1 and R2 : Mr.M.P.Murugan Raja,
Government Advocate

R3 and R4 : Mr.L.Chandrakumar
for M/s C.S.Associates

ORDER

This Writ Petition has been filed challenging the order of termination dated 28.11.2013 passed by the fourth respondent and confirmed the order of removal by the approval dated 28.05.2014 on the file of the first respondent.



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2. The petitioner was appointed as Junior Grade Secondary Grade Teacher in the third respondent school in a vacancy that arose due to retirement of one Chitra Ramdas and she had joined on 22.09.2004 and subsequently her appointment was approved by the competent authority by its proceedings dated 09.06.2008. Thereafter, the Headmistress of the third respondent School was retired from service and as such the petitioner had taken charge as Headmistress from 01.06.2005. However, the petitioner was not posted as Headmistress in the vacancy as the third and fourth respondents appointed one R.Booma as Headmistress from 01.06.2009. Therefore, the petitioner had sent a complaint to the respondents 1 and 2 herein and as such a new Headmistress had developed grudge as against the petitioner and started giving trouble to her in all ways and means. The petitioner was ill-treated by the Headmistress, making complaint to the third respondent even for petty things and reasons. In fact, till the appointment of new Headmistress, there was no complaint, while she was acting as a Headmistress of the third respondent school.



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3. While being so, she was served with a charge memo dated 21.12.2009 and the petitioner submitted her detailed explanation. As per the charge, the petitioner had used verbal abuse against the head of the institution in front of children, staff and parents, when she was questioned about her late coming to the school. After submission of her explanations, another charge memo was served on her on 13.07.2011. On receipt of the same, again the petitioner had sent her detailed explanation on 22.07.2011. Thereafter, she was suspended from service on 11.05.2012. In continuation of her suspension, she was served with charge memo dated 25.06.2012, thereby framed six charges and she was called upon to submit her explanations on or before 02.07.2012. An Enquiry Officer was appointed and notice was issued to the petitioner to participate in the enquiry. Though the petitioner sought for certain documents and also sought permission to produce her witnesses to enable her to disprove the charges, she was not given an opportunity and on the strength of the enquiry report, the third respondent by a communication dated 12.09.2012 informed the resolution passed by the fourth respondent, thereby it was unanimously resolved to terminate the service of the petitioner with immediate effect. The said resolution was



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challenged by the petitioner before this Court in W.P.No.34809 of 2012 and obtained an interim order of stay. However, it was subsequently modified and the third respondent passed an order of termination dated 29.11.2013.

4. The order of termination has been challenged in this writ petition. Pending writ petition, the third respondent had sent the order of removal for approval. On receipt of the same, the first respondent, by the impugned order dated 28.05.2014, approved the order of termination and communicated it to the petitioner. Therefore, the petitioner filed a petition for amendment to amend the prayer and the same was allowed and accordingly, the prayer was amended and the order of approval dated 28.05.2014 is also under challenge in the present writ petition.

5. Mr.P.V.Balasubramaniam, learned Senior Counsel appearing for the petitioner would submit that the third respondent school is a minority Government aided school which is covered under the Tamil Nadu Recognized Private Schools Regulations Act (herein after called as “the Act”) and the Tamil Nadu Recognized Private Schools Regulations Rules.



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The third respondent terminated the petitioner's service by an order dated 28.11.2013 which is in complete violation of Section 22 of the Act. The third and fourth respondents had failed to obtain prior approval from the competent authority. The third respondent conducted an enquiry in a biased manner and illegally terminated the petitioner's service, without obtaining prior approval from the competent authority. He further submitted that the petitioner was in-charge of the Headmistress post and only after the appointment of new Headmistress, the third respondent served charge memo to the petitioner in order to wreck vengeance, since she lodged a complaint before the first and second respondents against the appointment of new Headmistress. The charges are also very flimsy and order of capital punishment is disproportionate to the charges.

6. In support of his contention, he relied upon the Judgment of Hon'ble Division Bench of this Court in *W.A.No.304 of 2001 dated 10.07.2009*, in the case of *Anwarul Islam Aided Primary School, Vellore Vs.M.Dilshal Begum and others*, in which this Court held that the school in question is a recognized school of the State, it may be a minority institution, but in view of the fact that the said Tamil Nadu



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Recognized Private Schools Regulations Rules is applicable to all the recognized schools, the appellant cannot take a stand that the same is not applicable to the minority schools.

7. He also relied upon the Judgment of the Hon'ble Supreme Court of India reported in **2017 SCC Online Mad 34096** in the case of ***Abhishekrayar Vs The Chief Educational Officer, Perambalur and others***, in which the Hon'ble Supreme Court of India held that the applicability of the provisions of the Section 22 of the Act cannot be disputed after relying upon the Judgment of the Hon'ble Division Bench of this Court in ***W.A.No.304 of 2001 dated 10.07.2009***, in the case of ***Anwarul Islam Aided Primary School, Vellore Vs.M.Dilshal Begum and others***.

8. He also relied upon the Judgment of this Court reported in ***MANU/TN/0095/1988*** in the case of ***C.Marianandam Vs The Govt. of Tamil Nadu and others***, wherein this Court, after relying upon the Judgment of the Hon'ble Supreme Court of India in ***1987 2 SCR 974*** in



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the case of *Y.Thaelamms Vs Union of India and others*, held that the regulations can be made by the State for ensuring proper conditions of service for the teachers and also for ensuring a fair procedure in the matter of disciplinary action against them. As on this date, there is no dispute that the Sections and Rules referred to earlier are applicable to institutions. The fact that these provisions afford protection to the teachers and govern the administration of the minority institutions is sufficient to make the third respondent amenable to Article 226 of the Constitutions of India.

9. The respondents 1 and 2 filed counter and the learned counsel for the respondents 1 and 2 submitted that the third respondent school is a Linguistic Minority Institution. The appointments and terminations of the teachers were made by the school management. This Court, in W.P.No.5186 of 1981, has declared that in the Tamil Nadu Recognized Private Schools Regulations Rules, Rule 15(4) is inapplicable for the minority institutions and as per Article 30 of the Constitution of India, the Government cannot interfere in the function and administration of the minority institutions. Hence, the appointment approval was given only



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based on the third respondent's proposal. It was further stated that the petitioner was irregular not only in attending the school, in the sense late coming to the school but also not able to teach the students in ABL method. She had beat the students regularly and abused them in filthy language. Therefore, memos were issued and explanations were call for. After scrutinizing the petitioner's explanations, the management not being satisfied, terminated her from service by an order dated 28.11.2013 with effect from 11.09.2012. It was sent for approval to the District Primary Educational Officer, Chennai, who is the competent authority. By an order dated 28.05.2014, the competent authority approved the order passed by the third respondent.

10. The respondents 3 and 4 filed counter and the learned counsel for the respondents 3 and 4 submitted that the writ petition is not maintainable for the reason that the petitioner had pleaded guilty of the charges and categorically stated that it was due to various factors of transportation etc, that she had come late to school daily and if it is treated as irregular then it can be adjusted in her 12 days casual leave, thereby the school and children were made to sacrifice its regular



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function due to her late attendance. The children, who have complained for being canned, were once again taken for a ride as they have reported to their parents, which resulted in the same being brought to the notice of the management. Insofar as the prior approval for termination is concerned, it is not a requisite for minority institutions. However, after passing an order of termination, it was sent to the competent authority for approval. It was also duly approved by an order dated 28.05.2014.

11. In support of his contention, he relied upon the Judgment of the Hon'ble Division Bench this Court in ***W.A.No.574 of 2010*** in the case of ***T.Sanjeeva Rao Vs The Director of School Education, Directorate of School/Public Instruction, College Road, Chennai 6 and others***, wherein the Hon'ble Division Bench this Court held that obtaining sanction or approval for removal in respect of minority institution is not mandatory, even though it is true that such approval is a condition precedent in respect of non minority aided schools.

12. He also relied upon the Judgment of the Hon'ble Division Bench this Court in ***W.A.No.556 of 2008*** in the case of ***A.Belavendran***



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Vs The Joint Director of School Education, DPI Compound, College Road, Nungambakkam Chennai and others, wherein it was held that if any regulation is interfered with overall administration controlled by the management over the staff, or abridges/dilutes, in any other manner, the right to establish and administer educational institutions, such regulations, to that extent will be inapplicable to minority institution.

13. He also relied upon the Judgment of this Court in ***W.P.No.20425 of 2010*** in the case of ***J.Justin Vs The Commissioner, Department of Differently Abled, Chennai-6,*** wherein this Court held that respondent/Institution being a Minority Institution, obtaining prior approval or sanction from the respondent/State is not mandatory.

14. He further submitted that the petitioner's admission on guilt and evasive reply which had resulted in holding of an enquiry and after affording all opportunities inclusive of fair and reasonable opportunities, all the six charges were held proved. Thereafter, the fourth respondent unanimously resolved to terminate the service of the petitioner taking into account totality of the circumstances which warranted such punishment



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and to see to that the name established by insofar as Gujarati knowing people is concerned is maintained at a standard level so that the linguistic minority children are not affected by the petitioner.

15. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

16. Initially, the petitioner was appointed as Junior Grade Secondary Grade Teacher by the third respondent school on 22.09.2004. Her appointment was approved by the District Elementary Educational Officer, Chennai. She had also taken as in-charge Headmistress from 01.06.2005 till 01.06.2009. In fact, the petitioner requested the third respondent to appoint her in the post of Headmistress. However, her request was denied and one R.Booma was appointed as Headmistress by the third respondent school on 01.06.2009. There was some irregularity in the appointment and as such the petitioner made oral representation to the respondents 1 and 2. For that, whenever the respondents 1 and 2 made their inspection, the petitioner expressed her grievance regarding



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non consideration of her candidature to the post of Headmistress.

Therefore, the newly appointed Headmistress developed grudge as against the petitioner and started giving trouble to her. It is also to be noted that till the appointment of new Headmistress, there was no charge against the petitioner.

17. On 21.12.2009, the third respondent issued the charge memo, which reads as follows:-

“ Charge No.1:-

Tmt. Purnima Jha, was appointed on September 2004 as in this School and right from the beginning she is a habitual late comer to the school thereby she failed to set an example to other teachers and also to the students.

Charge No.2:-

Tmt. Purnima Jha, Jr.Gr.Sec.Gr.Asst has beaten named N.Sathish, of Std III using a cane and it caused injury, thereby making the student unable to attend the school for a week.

Charge No.3:-

Tmt. Purnima Jha, Sec.Gr.Asst.Teacher was given ABL Training and also attended SSA classes for four years. The Government gives such training to the teachers in order to teach by adopting new methods of teaching to the students. But Tmt.Purnima Jha did not care about such training and



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she failed to teach the ABL method to the students. Her lapses on this part were noticed many a times by the Headmistress. D.E.E.O, A.E.E.O and SSA Coordinators. The students were not able to follow the ABL method as they were not taught completely by this method by Tmt. Purnima Jha, Sec.Gr.Asst.

Charge No.4:-

Tmt. Purnima Jha, Sec.Gr.Asst. was again adopting the habitual late coming in spite of the oral instruction of the Correspondent and Secretary and she was in the habit of attending the school regularly late.

Charge No.5:-

Tmt. Purnima Jha, Sec.Gr.Asst. is in the habit of abusing the Headmistress without giving any due respect to the post. She also used to show her finger before the face of the Headmistress with raising loud voice with loose words on 12.07.2010 in front of Tmt.K.Lalitha, a menial staff when the Headmistress questioned her late coming.

Charge No.6:-

Tmt. Purnima Jha, Sec.Gr.Asst. has been in the habit of advising parents to admit their wards in some other school with some false propaganda.

On 20.06.2011, Tmt. Purnima Jha, advised one parent (mother of Sachin of Std.II not to admit her son in the Z.P.H.Gujarati Primary School and have advised her to admit him in some other school.

The Headmistress questioned Tmt. Purnima Jha in this regard on the same day and in spite of that she continued her anti-social activities.”



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18. She submitted her explanations and without satisfying the same, the third respondent appointed an Enquiry Officer. The Enquiry Officer conducted an enquiry. Thereafter, she was terminated from service on 11.09.2012 and the same was challenged by her in W.P.No.34809 of 2012. This Court, by an order dated 19.04.2013, set aside the order of termination and directed the third respondent to conduct enquiry in a proper manner. Thereafter, the Enquiry Officer conducted an enquiry and terminated the petitioner from service by an order dated 28.11.2013 and the same was communicated to the petitioner by the communication dated 29.11.2013. It is challenged in the present writ petition.

19. Pending writ petition, the third respondent informed that the order of termination was sent for approval before the competent authority and it was approved by an order dated 28.05.2014 and as such the petitioner also amended the prayer including the order passed by the competent authority dated 28.05.2014 which is under challenge in the present writ petition.



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20. The first issue to be decided in this writ petition is whether the third respondent management being the minority institution, the order of termination requires prior approval from the competent authority? In this regard, it is relevant to extract the provisions under Sections 22(1) and 22(2) of the Tamil Nadu Recognized Private Schools Regulations Act as follows:-

“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.”

It is relevant to extract the Rule 17(1) of Tamil Nadu Recognized Private Schools Regulations as follows:-

“17. Dismissal, removal or reduction in rank or suspension of teachers or other persons employed in private school.—(1) The competent authorities to accord prior approval for the dismissal, removal or reduction in rank of a teacher or other person employed in any private



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school, shall be the District Educational Officer in respect of teacher or other person employed in Pre-Primary, Primary and Middle Schools and the Chief Educational Officer irrespective of teacher or other person employed in High Schools and Teachers' Training Institutes."

21. Admittedly, the third respondent did not send any proposal for the petitioner's termination for prior approval to the competent authority. The specific stand of the third respondent is that Section 22 of the Act and Section 17(1) of the Rule are not applicable to the minority institutions. It is not in dispute that the third respondent is a recognized private school of the State. It may be a minority institution, but in view of the fact that the provision and Rule are applicable to all the recognized schools. Therefore, the third respondent cannot state that the same is not applicable to the minority schools. Further, only after the order of termination dated 28.11.2013, it was sent for approval before the competent authority. On receipt of the same, the competent authority approved the order of termination by an order dated 28.05.2014.

22. Though the learned counsel for the third and fourth respondents placed reliance on the decision of the Hon'ble Division Bench of this Court in ***W.A.No.574 of 2010*** in the case of ***T.Sanjeeva***



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Rao Vs The Director of School Education, Directorate of School/Public Instruction, College Road, Chennai 6 and others, held that obtaining sanction or approval for removal in respect of minority institution is not mandatory and the same is also condition precedent in respect of non minority aided schools. It was decided in the case of minority school is not having an obligation of constituting a School Committee for the purpose of dealing with disciplinary proceedings against teaching and non-teaching staff. Therefore, plea of the third respondent cannot be accepted.

23. The third respondent being the minority institution is not governed by all the provisions of the Act. But it is governed by some of the provisions of the Act and Rules. In the case of ***Frank Anthony Public School Employees' Association Vs Union of India and others,*** reported in ***1987 ISCR 238***, the Hon'ble Supreme Court of India held that the rights of the minority institutions guaranteed by Article 30(1) of Constitution of India and regulatory measures which are designed towards the achievement of the goal of making the minority educational institutions effective instruments of imparting education do not impinge



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upon the rights guaranteed by the said Article. The regulations can be made for ensuring proper conditions of service of the teachers and also for securing a fair procedure in the matter of disciplinary action against them. There is no dispute that the Sections and Rules referred to earlier are applicable to institutions. The fact that these provisions afford protection to the teachers and govern the administration of the minority institutions is sufficient to make the third respondent amenable to Article 226 of the Constitutions of India. Therefore, the Judgments relied upon by the petitioner are squarely applicable to the case on hand.

24. The provisions under Section 22(1) of the Act is clear what the competent authority is required to do at that stage is to see whether the punishment proposed commensurate with the proved charges. Though the third respondent is a minority institution, it is a private aided school. The nature of this provision is meant for protection of staffs of the private schools. All the judgments cited by the learned counsel for the respondents 3 and 4 are not related to the issue which arose in the case on hand. Therefore, the Judgment cited are not applicable to the case on hand. Hence, the prior approval from the competent authority is



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mandatory. Admittedly, the third respondent after passing an order of removal, had sent it for approval to the competent authority, which is a violation under Section 22 (1) of the Act.

25. Insofar as the charges are concerned, the first charge was that she was a habitual late comer to the school, thereby she failed to set an example to other teachers and also to the students. The petitioner was appointed in the month of September 2004. Till May 2009, there was no complaint about her late coming to school. Only after appointment of the new Headmistress, she had come late to the school. In order to prove the said charge, no teacher was examined by the disciplinary authority. They had examined sweeper and watchman. That apart, even for the late comers, three late coming is allowed and half-a-day casual leave is cut for every three days late. There is no evidence to show that her casual leave was cut by the management. Though the petitioner admitted that she was late for some of the days, it would not mean that the petitioner regularly came late to the school.

26. Insofar as the second charge is concerned, the petitioner used a



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cane and caused injury to a III standard student N.Sathish, thereby making the student unable to attend the school for a week. In order to prove the said charge, the boy N.Sathish was not examined by the disciplinary authority. The mother of the boy was examined as witness. However, the petitioner completely denied the incident. There is no proof to show that the boy sustained injury and as such he was absent to school for a week. In fact, no wound certificate was marked by the disciplinary authority. Even assuming that the petitioner had used a cane to control the students, it would not amount to any offence. Being a teacher, who necessarily has to control the students, that too primary students, she had used a cane to warn the students. The students are admitted in the school for not only the purpose of learning subjects but also to learn other aspects of life, which includes discipline. The purpose of the school is not only to teach the academic subjects, but to prepare such student in all aspects of life so that in future he would be a person of good behaviour and nature. The teachers are to be respected in society. They are the backbone of our educational system. If the teachers are under fear of such allegations for trivial matters and more specifically while correcting children, it would be difficult for conducting schools thereby giving



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proper education and more specifically maintaining discipline. A civilized society needs civilized young generation which would respect each other and would be considered as a future generation of the nation.

27. Now a days, parents are questioning the teachers about low scoring of marks by their respective wards. When the teachers insist the students to study, they use simple methods such as using scale and small cane. Though the Government had passed G.O.Ms.12 School Education (V2) Department dated 18.01.2007, the right of any parent, teacher or other person having lawful control or charge of a child is not taken away while inflicting moderate punishment that too only to correct such a child. Further, when a child is sent by its parent or its guardian to a school, the parent or guardian must be held to have given an implied consent to its being under the discipline and control of the school authorities and to the infliction of such reasonable punishment as may be necessary for the purpose of school discipline or for correcting the child. Further, it would not in any manner constitute an offence as it has to be kept in mind that such measures were taken by the teacher only and only for the purpose of maintaining the discipline of the school and to correct



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a child who is misbehaving or committing mischief which is detrimental to the discipline of the school and affecting other students. If one student who is carrying out such mischief is given a free hand and not punished or scolded, it would spoil the atmosphere in the class and the school and other students would also tend to behave in such a manner. Therefore, the petitioner cannot be punished that too with a capital punishment of removal from service.

28. Insofar as the third charge is concerned, she failed to teach the students in Activity Based Learning (ABL) method. From the year 2004 to 2009, there was no charge that she failed to teach the students in ABL method. Only after appointment of the regular Headmistress, the said charge was framed against the petitioner. Once the school management decided to wreck vengeance against a teacher, every action and non action is converted into a charge. Therefore, the present charge is nothing but to side line the petitioner to be thrown out of the school. She is a Gujarati language Teacher. For that language, the method of ABL is no way connected and it is meant for other core subjects. In that language, no activity is required. Therefore, not following the ABL method would



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not amount to any flaw on the part of the language teacher.

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29. Insofar as the fourth charge is concerned, it is again related to late coming to the school. Even assuming that the petitioner was a habitual late comer to the school, the punishment imposed in not proportionate to the charges. The disciplinary authority produced the attendance register and accordingly, the petitioner was coming late to school from the month of June 2009 to April 2012 in the following manner:-

<i>Month</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
June	3	5	-	-
July	9	2	1	-
August	7	4	4	-
September	5	3	5	-
October	7	1	5	-
November	8	4	4	-
December	4	6	5	-
January	-	1	5	2
February	-	3	3	2
March	-	1	2	-
April	-	3	2	1

30. Admittedly, the petitioner came late to the school on the above



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mentioned occasions. However, the third respondent management failed to examine any of the teachers who were working in the school. It is also clear that only from the date of appointment of the new Headmistress, it was complained about her late coming. There was no allegation about her late coming before June 2009. However, the petitioner had availed leave, within the limits of casual leave for the late coming days.

31. Insofar as fifth charge is concerned, she was in a habit of abusing the Headmistress without giving any due respect to her post. In support of the said charge, management had examined M.Ws.1 to 3. The retired teacher stated that the petitioner used to abuse other staffs and quarrel with the Headmistress. It was happened when she came late to the school.

32. Insofar as the final and sixth charge is concerned, she had been in a habit of advising parents to admit their wards in some other school. In support of the said charge, the management had examined M.Ws.1 to 8. The parents of some students stated that only on the advise of the petitioner, they had admitted their wards in other schools, to learn



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Tamil, since the petitioner said that in this school only Hindi language is available. Whereas, the petitioner stated that she is only a Hindi language teacher and she doesn't know Tamil. She used to clarify the doubts in Hindi and she insisted the students in Hindi class to talk Hindi. However, the Enquiry Officer concluded that all the charges were proved against the petitioner.

33. A perusal of all the charges and records revealed that all the charges were framed against the petitioner to do away the petitioner's service from the school, in order to satisfy the newly appointed Headmistress. The petitioner had been working as a Teacher, since 2004 and in fact she was in-charge Headmistress. Till the appointment of new Headmistress, there was no complaint made by anybody including the management as well as the students.

34. In view of the above, the third and fourth respondents failed to send their proposal to punish the petitioner with removal from service before the competent authority for its prior approval as contemplated under Section 22(1) of the Act. Therefore, the order of removal and



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subsequent approval by the competent authority, namely, the District Primary Educational Officer, Chennai dated 28.05.2014 cannot be sustained and it is liable to be quashed.

35. Accordingly, the order of termination dated 28.11.2013 and the approval order of termination by the proceedings of the competent authority in Na.Ka.1443/A1/2012 dated 28.05.2014, are hereby quashed. However, the petitioner shall be punished with minimum punishment for her late coming to the school and quarrel with the headmistress. Therefore, the petitioner is punished with stoppage of increment for one year without cumulative effect. The third respondent is directed to reinstate the petitioner into service forthwith with service continuity and 50% of back wages and other attendant benefits. After reinstatement, the third respondent is directed to send the same for approval to the competent authority. On receipt of the same, the competent authority is directed to approve the same and disburse the arrears of salary and continue to pay salary as entitled to the petitioner.



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36. This writ petition stands partly allowed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

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Internet : Yes
Index : Yes
Speaking order
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To

1. The District Primary Educational Officer, Chennai.
2. Director of Elementary Education,
D.P.I.Campus, Chennai-600 006.
3. Assistant Elementary Educational Officer,
Periamet Range,
Chennai-600 001.
4. Z.P.H.Gujarati Primary School,
(owned and managed by Z.P.H
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represented by its Correspondent,
No.1, Ravanier Street,
Chennai-600 003.
5. Z.P.H Gujarati Kanya Kelavani Mandal,
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represented by its Committee of Management,
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G.K.ILANTHIRAIYAN, J.

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