



W.P.(MD)No.11325 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.11325 of 2020

and

W.M.P.(MD)Nos.9920 and 9921 of 2020

K.K.D.Selvanayaki,
W/o.S.Sambathkumar,
P.T.Assistant Teacher (Tamil),
Srirangam Girls Higher Secondary School,
Srirangam - 620 006,
Tiruchirappalli District.

... Petitioner

Vs.

1. The Chief Educational Officer,
Tiruchirapalli,
Tiruchirappalli District.
2. The Secretary,
Srirangam Girls Higher Secondary School,
Srirangam - 620 006,
Tiruchirappalli District.
3. The Headmistress,
Srirangam Girls Higher Secondary School,
Srirangam - 620 006,
Tiruchirappalli District.

... Respondents



W.P.(MD)No.11325 of 2020

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order of Na.Ka.No.01316/AA1/2020, dated 27.07.2020 passed by the first respondent and quash the same.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.S.Shaji Bino
Spl. Government Pleader for R1
Mr.K.S.Vamsidar for R2 and R3

ORDER

The impugned order passed by the first respondent vide proceedings in Na.Ka.No.01316/AA1/2020, dated 27.07.2020, is under challenge in the present Writ Petition.

2. The case of the petitioner is that the petitioner has joined as Secondary Grade Teacher in the year 1992 in the second respondent School. On 07.11.1997, she was promoted as B.T.Assistant (Tamil) and from 01.08.2008 onwards, she was working as B.T.Assistant (Tamil) in the second respondent School and taking classes from 6th to 10th Standards.



W.P.(MD)No.11325 of 2020

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While so, in the year of March 2017, she was appointed as Chief Examiner for evaluating 10th Standard Annual Exam answer papers and one Scrutiny Officer and 10 Assistant Examiner evaluated answer sheets of 10th Standard Tamil papers. Thereafter, the first respondent, on 29.08.2017, sent a communication to the petitioner, wherein, an explanation was sought for from her about some discrepancy found in awarding marks to an answer sheet. Immediately, the petitioner gave an explanation on 23.09.2017. Further, on 26.05.2018, the first respondent once again asked explanation from her for the aforesaid allegation, for which also, on 25.06.2018, she gave an explanation to the first respondent. However, the first respondent passed the impugned order dated 27.07.2020, directing the second respondent to punish the petitioner under the provisions of Disciplinary Act and send a report to the first respondent. Challenging the same, the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioner is working under the Management of the second respondent and as per the Tamil Nadu Recognized Private Schools



W.P.(MD)No.11325 of 2020

Regulations Act, 1973, the second respondent Management has to take disciplinary action against the petitioner, in which, the first respondent is only an approving authority and he does not have the power to issue such direction to punish the petitioner. Without conducting any enquiry or without providing any opportunity to the petitioner, the first respondent issued a direction to the second respondent to punish the petitioner, which is not sustainable one. Accordingly, he prayed for allowing the Writ Petition.

4. The learned Special Government Pleader appearing for the first respondent would submit that as per the instructions issued by the first respondent, the second respondent School Management proceeded further and the School Committee resolved to inflict the punishment of Censure and accordingly, the petitioner was awarded with the punishment of recorded Censure, vide order, dated 27.08.2020 and the same was recorded in the Service Book of the petitioner. On receipt of such proposals from the second respondent School Management, the action of the School Management in having inflicted the minor punishment of recorded Censure was approved by the first respondent vide order, dated 14.09.2020. As per Section 18(c) of



W.P.(MD)No.11325 of 2020

WEB COPY

the Tamil Nadu Recognized Private Schools Regulations Act, 1973, the School Committee of the concerned Aided School is empowered to take disciplinary action against the teachers working in that Aided School. Accordingly, the first respondent advised the second respondent School Management to take action on the teacher. Hence, he prayed for the dismissal of the Writ Petition.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. Considering the facts and circumstances of the case that during the pendency of the Writ Petition, the second respondent School Management awarded the punishment of recorded Censure vide order, dated 27.08.2020 and the said punishment was recorded in the Service Book of the petitioner, the prayer sought for in the Writ Petition has become infructuous.



W.P.(MD)No.11325 of 2020

WEB COPY

7. Accordingly, this Writ Petition is dismissed, with liberty to the petitioner to challenge the punishment imposed by the second respondent in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.01.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



W.P.(MD)No.11325 of 2020

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W.P.(MD)No.11325 of 2020

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