



W.P.No.8280 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.8280 of 2024

and

W.M.P.Nos.9238 & 9239 of 2024

Regi K U

.. Petitioner

Vs.

1.The Secretary,
School Education Department,
Secretariat - Fort St. George,
Chennai – 600 001.

2.The District Educational Officer,
Big bazar street,
Town Hall,
Coimbatore – 641 001.

3.The Chief Educational Officer,
Big bazar street,
Town Hall,
Coimbatore – 641 001.

4.The Correspondent,
St. Thomas Government Aided
Higher Secondary School,
K.K.Pudur,
Coimbatore – 641 038.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the proceedings in order No.CER: 012/2024 dated 05.03.2024 communicated to the petitioner on 06.03.2024 passed by the 4th respondent and quash the same.

For petitioner	:	Mr.AGD.Balakumar
For RR 1 to 3	:	Mrs.E.Ranganayaki Additional Government Pleader
For R4	:	Mr.K.Shakespeare

ORDER

The subject matter of challenge in the present writ petition pertains to the proceedings of the 4th respondent dated 06.03.2024 de-promoting the petitioner from her post of Headmistress to the post of PG Assistant / Economics.

2.The case of the petitioner is that she was working as Headmistress in the 4th respondent school, which is a minority aided school. A show cause notice was issued by the 4th respondent on 10.02.2023 by pointing out certain irregularities on the part of the



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petitioner. Ultimately, a charge memo dated 10.10.2023 was issued to the petitioner by framing the following charges:

“1. That you, Mrs.Reji James, Headmistress had failed to perform your duties as Headmistress properly which has adversely affected the students enrollment. During your tenure as Headmistress, the student strength has reduced to 35%. Thereby you have violated Clause-1 of the Code of Conduct for Teachers and other persons employed in a Private School, stipulated under Annexure-II vide Rule 16 (1) of the Tamilnadu Private School (Regulation) Rules 1974.

2. That you, Mrs.Reji James had been a member of interview committee for selecting teachers and you have misguided the selection committee members regarding rules and regulations to be followed. Your ill advice has resulted in the non-approval of appointment of Mrs.Denila, PG Assistant (Economics) by Education department. This has caused great embarrassment and financial burden to the Management.

3. That you, Mrs.Reji, Headmistress had re-employed an already retired Sewing Teacher without the knowledge and permission of School Management Committee against the rules with the connivance of Mr Jose, former Correspondent.This has caused the Sewing Teacher vacancy getting lapsed.

4. That you, Mrs.Reji James, Headmistress, being the ex-officio member of the School



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Management Committee must attend all the Management committee meetings without fail. But you have avoided attending many council meetings without valid reason and with the malafide intention of disrupting the normal functioning of the School Management Committee.

5. Even during the few instances when you had attended the meetings, you have totally exhibited unbecoming conduct of a teacher and had abused the other members of the Management committee with unparliamentary and abusive words. By your unbecoming conduct during management committee meetings, you have violated the Code of Conduct stipulated under Rule 16 (1) of Tamilnadu Private School(Regulation) Rules 1974.

6. That you, MrsReji James, Headmistress, instead of concentrating to improve the academic performance of the School, you are acting against the interests of the School and the other teachers, which is detrimental to the normal academic and administrative functioning of the School.

7. Based on the above irregularities committed by you and your totally unbecoming conduct, it is alleged that your further continuance in the post as Headmistress of the School, will be very much detrimental to the growth of the institution, which is serving the underprivileged, socially and economically deprived section of the student community.”



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3.The petitioner was called upon to submit her written explanation to the above charges. The petitioner also gave her explanation dated 02.11.2023 and refuted each and every charge.

4.The grievance of the petitioner is that the 4th respondent even without conducting any enquiry has straightaway proceeded to remove the petitioner from the post of Headmistress and she was de-promoted to the post of PG Assistant / Economics. Aggrieved by the same, the present writ petition has been filed before this Court.

5.The 4th respondent has filed a counter affidavit. The 4th respondent has taken a stand that the present writ petition itself is not maintainable since the petitioner has an appellate remedy under the Tamil Nadu Private Schools (Regulation) Act, 2018 and the Rule 29 of the relevant rules. That apart, the 4th respondent has also stated that after the charge memo was issued and the petitioner gave a reply, the same was properly considered and only thereafter a final decision was taken. Therefore, the 4th respondent has contended that the principles of natural



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justice was properly followed. In view of the same, the 4th respondent has sought for the dismissal of this writ petition.

6.Heard the learned counsel for the petitioner, learned Additional Government Pleader for respondents 1 to 3 and the learned counsel for the 4th respondent.

7.This Court has carefully considered the submissions made on either side and the materials available on record.

8.There is no dispute with regard to the fact that the 4th respondent is an aided minority school. The petitioner was working as Headmistress in that school. For various reasons, the 4th respondent decided to initiate departmental proceedings against the petitioner. Therefore, a charge memo was issued by framing seven charges. The petitioner gave her reply. Thereafter, there is absolutely no material to show that any enquiry was conducted. Straightaway, the Management of the 4th respondent has removed the petitioner from the post of Headmistress and the petitioner was also de-promoted as PG Assistant / Economics. This decision that



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was taken by the 4th respondent is clearly in violation of principles of natural justice. Even though the 4th respondent is a minority aided school, that does not mean that the 4th respondent will remove teachers even without following a proper procedure. The decision that was taken by the 4th respondent has civil consequences and therefore, it is incumbent on the part of the 4th respondent to have followed the principles of natural justice by conducting a proper enquiry on the charges framed against the petitioner.

9.The impugned proceedings of the 4th respondent terminating the petitioner from the post of Headmistress and de-promoting her to the post of PG Assistant / Economics is vitiated due to violation of principles of natural justice. The 4th respondent being an aided minority school, is subject to the writ jurisdiction. Therefore, this Court is inclined to set aside the proceedings of the 4th respondent dated 05.03.2024 and 06.03.2024. The matter is remanded to the file of the 4th respondent. The 4th respondent is directed to conduct a fresh enquiry on the charge memo issued by the 4th respondent and the reply given by the petitioner and afford opportunity to the petitioner and thereafter take a decision on its



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own merits and in accordance with law. This process shall be completed by the 4th respondent within a period of eight (8) weeks from the date of receipt of a copy of this order. Since, the petitioner has already been replaced by another person as Headmistress, the said status can continue and any intervention at this point of time, will lead to confusion in the running of the school itself. The 4th respondent shall keep in mind the time frame fixed by this Court and shall take a final decision.

10.In the result, this Writ Petition is allowed in the above terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

06.08.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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N.ANAND VENKATESH, J.

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