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W.P.Nos.22305/2018 & 12261/2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.22305 / 2018 and 12261 / 2020
and W.M.P.Nos.15035/2020, 9032/2022, 26141 & 26140/2018

W.P.No.22305/2018

Dr.Navis Jaichitra

... Petitioner

/vs/

1. The Regional Director,
Central Board of Secondary Education (Regional Office),
Plot No.1630-A “J” Block,
16th Main Road,
Anna Nagar West, Chennai – 600 040.
2. The Chairman,
Central Board of Secondary Educational
Shiksha Kendra,
No.2, Community Centre, Preet Vihar,
New Delhi – 110 092.
3. The Secretary,
Rural Institute for Community Education,
Mathakondapalli Model School,
Mathakondapalli – 635 114.
Krishnagiri District.
4. The Correspondent / The Joint Secretary,
Rural Institute for Community Education,
Mathakondapalli Model School,
Mathakondapalli – 635 114.



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Krishnagiri District.

5.M.Suriya Kumari

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the disciplinary proceeding initiated by the third and fourth respondents against the petitioner in charge sheet dated 15.05.2017 and continuous proceedings of the 5th respondent and quash the same as illegal and against the by-laws of the CBSE and consequently direct the third and fourth respondents to reinstate the petitioner in service from 12.04.2017 along with all other attendant and service, monetary benefits.

For Petitioner ... Mr.V.Prakash
Senior Counsel

For Respondents ... Mr.G.Nagarajan
for CBSE for R1 & R2

Mr.G.Sankaran, Senior Counsel
for Mr.D.R.Arunkumar for R3

Mr.R.P.Manikandan for R4

W.P.No.12261/2020



W.P.Nos.22305/2018 & 12261/2020

Dr.Navis Jai Chithra

... Petitioner

/vs/

1. The Director of School Education,
College Road,
Nungambakkam, Chennai,
Chennai – 600 008.
2. The Joint Director (Secondary) & Appellate Authority,
Directorate of School Education,
College Road,
Nungambakkam,
Chennai – 600 008.
3. The Chairman,
Central Board of Secondary Educational
Shiksha Kendra,
No.2, Community Centre, Preet Vihar,
New Delhi – 110 092.
4. The Regional Director,
Central Board of Secondary Education, Regional Office,
Plot No.1630-A, “J” Block,
16th Main Road,
Anna Nagar West, Chennai – 600 040.
5. The School Management Committee,
Rural Institute for Community Education,
Mathakondapalli Model School,
Mathakondapalli – 635 114.
Krishnagiri District.
6. The Rural Institute for Community Education,
Rep. by its Secretary,
Mathakondapalli Model School,
Mathakondapalli – 635 114.
Krishnagiri District.



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7. The Correspondent / The Joint Secretary,
Rural Institute for Community Education,
Mathakondapalli Model School,
Mathakondapalli – 635 114.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent to pass an order reinstating the petitioner pursuant to Sub Section 3(b) of Section 22 of the Tamil Nadu Recognized Private Schools Regulation Act, 1973 and Sub-Rule 3(iii) of the Tamil Nadu Recognized Private Schools Regulation Rules, 1974.

For Petitioner ... Mr.V.Prakash
Senior Counsel

For Respondents ... Mr.P.Gurunathan
Additional Govt. Pleader for R1 & R2

Mr.G.Nagarajan
for CBSE for R3 & R4

Mr.G.Sankaran, Senior Counsel
for Mr.D.R.Arunkumar for R7

Mr.R.P.Manikandan for R6
Mr.S.Umapathy for R5

COMMON ORDER

W.P.No.22305/2018 has been filed challenging the disciplinary



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proceeding initiated by the third and fourth respondents against the petitioner in charge sheet dated 15.05.2017 and continuous proceedings of the 5th respondent and to direct the third and fourth respondents to reinstate the petitioner in service from 12.04.2017 along with all other attendant, service and monetary benefits.

W.P.No.12261/2020 has been filed seeking direction to the second respondent to reinstate the petitioner pursuant to Sub Section 3(b) of Section 22 of the Tamil Nadu Recognized Private Schools Regulation Act, 1973 and Sub-Rule 3(iii) of the Tamil Nadu Recognized Private Schools Regulation Rules, 1974.

2. The petitioner who is said to be the Principal at Mathakondapalli Model School, Mathakondapalli, Krishnagiri District (6th respondent in W.P.No.12261/2020) has been slapped with certain charges and on which disciplinary proceedings have been initiated against her. One of the prime grounds on which the petitioner has challenged the disciplinary proceedings is that the decision to initiate disciplinary proceedings against the petitioner was not taken by the School Management Committee, but by



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the Executive Committee.

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3. Mr.V.Prakash, the learned Senior Counsel for the petitioner, submitted as per the Central Board of Secondary Education (hereinafter referred as 'CBSE') Affiliation bye-laws, no order for suspension shall remain in force for more than six months unless the Committee, for reasons to be recorded by it in writing directs the continuation of the suspension beyond the period of six months; despite the same, the petitioner is kept under suspension for a very long period without granting any subsistence allowance and hence the suspension has to be revoked and subsistence allowance should be paid to the petitioner for the period of suspension.

4. The petitioner has been placed under suspension for more than six months even though she claims that the sixth respondent school would fall under the Tamil Nadu Private Schools (Regulation) Act, and the employees in the private school shall not be placed under suspension beyond four months. The affiliated bye-laws of CBSE itself would state about the maximum time limit of suspension.



5. However, the learned Standing Counsel for the Central Board of Secondary Education, submitted that the disciplinary proceedings could not be completed during six months time in view of the pending stay order of the Court and also for the reason that the Enquiry Officer appointed by this Court died subsequently.

5.1 With regard to the disciplinary proceedings, the petitioner happened to be the Principal and the Head of the school management committee and hence the decision to initiate disciplinary action was needed to be taken by the Executive Committee; after a new Principal was appointed, the decision of the Executive Committee was also ratified by the school management and the subsistence allowance has been paid to the petitioner from the year 2017 onwards; however the disciplinary proceedings could not be proceeded in view of the pending stay order before this Court.

6. Whatever may be the case, the petitioner was kept under suspension for more than six months which is a maximum mandatory limit prescribed under the affiliated bye-laws of CBSE. Hence, the reasons for the long pendency of suspension cannot be completely attributed to the



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litigation filed by the petitioner. Hence, I feel the suspension order should be revoked and the petitioner should be allowed to be reinstated.

7. The sixth respondent has sent a communication on 23.10.2020 to the petitioners that due to Covid situation and consequent financial constraints, the management was unable to pay the subsistence allowance to the petitioner. It is submitted that Mr.Justice P.Shanmugam, Judge (Retd.,) High Court, Madras, who has been appointed as Enquiry Officer is no more and hence the enquiry cannot be proceeded thereafter. Since the petitioner subjected herself to the enquiry proceedings, but it is stalled only due to the demise of the Enquiry Office, I feel it is appropriate to appoint an Enquiry Officer to complete the enquiry proceedings within a prescribed time limit.

8. Accordingly, the order of suspension against the petitioner is revoked in view of Rule 44(2) of the Affiliated bye-laws of CBSE and the respondents are directed to reinstate the petitioner in service, within a period of two weeks from the date of receipt of a copy of this order and continue with the enquiry proceedings. But the enquiry on the allegations



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shall be conducted after giving opportunity to the petitioner. In view of the same:

i) **Mr.Justice B.Gokuldas, Judge (Retd.), High Court, Madras** is appointed as an Enquiry Officer to conduct a detailed enquiry on the charges framed against the petitioner by the respondent Management of the school;

ii) The Enquiry Officer, after conclusion of enquiry, shall submit a report before this Court within a period of six weeks from the date of receipt of a copy of this order;

iii) The Enquiry Officer is entitled for a remuneration of Rs.3,00,000/- (Rupees Three Lakh Only), which shall be payable by the sixth respondent School Management.

iv) Both the parties shall extend their cooperation and necessary assistance to the Enquiry Officer for speedy conclusion of enquiry.

v) It is for the Enquiry Officer to decide on the aspect of appearance of the respective counsel during enquiry.

vi) The Secretary, Rural Institute of Community Education,



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Mathakondapalli Model School, Mathakondapalli, shall appoint a Presenting Office of his choice for the proceedings to be conducted by the Enquiry Officer.

9. In view of the above, these Writ Petitions are disposed. No costs.

Connected miscellaneous petitions are closed.

27.02.2024

Index: Yes / No
Speaking order / Non-speaking order
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R.N.MANJULA ,J.

bkn

7. The School Management Committee,
Rural Institute for Community Education,
Mathakondapalli Model School,
Mathakondapalli – 635 114.
Krishnagiri District.

8. Mr.Justice B.Gokuldass,
No.11, Kuppusamy Pillai Street,
Jesupadam Nagar, Guduvancherry,
Chengalpattu Taluk,
Kancheepuram District – 602 203.

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