



W.A.(MD) No.586 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD) No.586 of 2018
and
CMP(MD) No.3305 of 2018

The Secretary
Mankapuram Hindu Primary School
Mankapura, Srivilliputhur Post,
Virudhunagar District

... Appellant

-vs-

1. The Director of Elementary Education
College Road, Chennai- 600 006.
2. The District Elementary Educational Officer
O/o the District Elementary Educational Officer
Collectorate, Virudhunagar Post & District
3. The Assistant Elementary Educational Officer
Srivilliputhur, Srivilliputhur Post
Virudhunagar District
4. Jessintha Rani
Head Mistress
Mankapuram Hindu Primary School,
Mankapuram, Srivilliputhur Post
Virudhunagar District

5. V. Anusya

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 18.01.2018, passed in W.P.(MD) No.16966 of 2015 on the file of this Court.

For Appellant	:Mr. K.K. Kannan
For R1 to R3	: Mr.D. Sadiq Raja Additional Government Pleader
For R4	: No appearance
For R5	: Mr. T. Cibi Chakravarthy

J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The present Writ Appeal has been filed by the School Management viz., 4th respondent in the writ petition challenging the order passed by the learned Single Judge quashing the impugned order passed by them.

2. By the impugned resolution dated 21.08.2015, the appellant viz., the Secretary, Mankapuram Hindu Primary School had reverted the writ petitioner/5th respondent herein from the post of Headmistress to the post of Teacher.



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3. It is the case of appellant/School Management that the writ petitioner had given a letter of request seeking to post her as Assistant Head Mistress due to family dispute and based on which, the resolution was passed by the Committee and thereafter only she had been replaced. The District Education Officer, who had visited the School on 01.09.2015, has also ratified the same.

4. Learned counsel appearing for the appellant-School Management would submit that the reversion of the writ petitioner was only based on her request and thereby, the order passed by the learned Single Judge is liable to be set aside.

5. Learned counsel appearing for the writ petitioner/5th respondent herein would contend that the writ petitioner was working as Headmistress in the school and she was compelled by the Management to write a letter seeking reversion, based on which, she was demoted as Assistant Head Mistress by a short-circuit method without conducting any enquiry. He would further submit that Rule 17(A) of Tamil Nadu Recognised Private Schools Rules 1974 has been introduced only for safeguarding the interest of the teachers working in the private schools and in view of such provision, the



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6. Heard the learned counsel appearing for the appellant-School Management, learned counsel appearing for the writ petitioner/5th respondent herein and the learned Additional Government Pleader appearing for respondents 1 to 3/the education authorities.

7. Before proceeding further, we feel that it will be useful to refer Rule 17(A) of Tamil Nadu Recognised Private Schools Rules 1974, which governs the Private Schools and contemplates the procedure to be followed in the given



WEB COURT situation. It reads as under:-

"17A. Educational agencies not to obtain compulsorily resignation letter either at the time of appointment or subsequently from the employees in their school. –

(1) Whenever a teacher or other person employed in a private school, tenders his resignation of appointment, he shall inform the fact of his resignation in writing by registered post with acknowledgement due to the District Educational Officer, Inspectress of Girls' School or the Deputy Inspector of Schools concerned.

(2) No teacher or other person employed in a private school shall give to the educational agencies at any time undated or predated resignation letter.

(3) No educational agency shall insist or compel any teacher or other person employed in a private school to give at any time undated or predated resignation letter.

(4) No teacher or other person employed in a private school shall be relieved from service on the strength of resignation letter. The resignation letter shall, on receipt, be sent to the Chief



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Educational Officer concerned in respect of teacher and other persons employed in High Schools, Higher Secondary Schools and Teachers' Training Institutes and to the District Educational Officer concerned in respect of teacher and other person employed in a Pre-primary, Primary and Middle Schools. The Chief Educational Officer or District Educational Officer concerned shall, in turn, get the confirmation of the teacher or other person employed, as the case may be, as to the fact of such resignation and then accord his approval to relieve the teacher or other person employed, as the case may be, from service.

(5) Entries regarding the date of acceptance of resignation of appointment shall be made by the Secretary of the school committee, in the Service Registers of the teacher or in the Service Registers of the other persons employed in a private school under proper attestation and duly countersigned by the District Educational Officer or the Inspectress of Girls' Schools,



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(6) No substitute shall be appointed in the place of a teacher or other person employed in a private school who has been relieved on the basis of the resignation letter tendered by him, without obtaining prior approval of the Chief Educational Officer concerned in respect of the teacher and other person employed in High Schools, Higher Secondary Schools and Teachers' Training Institutions and the District Educational Officers concerned in respect of teachers and other persons employed in Pre-primary, Primary and Middle Schools."

8. While the above Rule emphasises the procedures to be adopted by the School Management, this Court, in a similar case in W.A(MD) Nos.917 and 1322 of 2018, has observed as under:-

9. It is to be seen that Rule 17-A was introduced only to safeguard the interest of the teachers or other persons employed in a private school. It empowers the authorities to ascertain as to whether there was any coercion or compulsion to give resignation. It is not uncommon to note that some private minority institutions, even at the time of appointment of a teacher in their



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school, get a resignation letter from the teacher concerned. Since teachers are put in jeopardy on several occasions, Rule 17-A was introduced to prevent such practice. Hence, Rule 17-A was introduced as an internal mechanism to prevent private schools from getting resignation letter by force. It is seen that after introducing Rule 17-A, the intimation regarding resignation letter of the teacher concerned itself should be sent by the teacher through registered post with acknowledgement due to the District Educational Officer and Inspectress of Girls' school. No teacher, employed in any private school, is supposed to give a resignation letter at any time either undated or predated. The said Rules also insist the educational agency not to insist or compel any teacher or any person employed in a private school to give resignation letter undated or predated.

10. As per Rule 17-A(4) of the Rules, the District Educational Officer cannot act upon such resignation letter of teacher or any person employed in a private school, without getting confirmation from the teacher concerned with regard to the fact that such resignation letter was obtained from the teacher concerned. No teacher shall be relieved and no substitute



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shall be appointed in the place of a teacher without obtaining prior approval from the District Educational officer."

9. In the case on hand, a perusal of the materials available on record would reveal that as rightly held by the learned Single Judge, the impugned order has been passed in violation of principles of natural justice as we find that the petitioner has not been issued with any show cause notice and the procedures contemplated under Rule 17(A) of Tamil Nadu Recognised Private Schools Rules 1974 has not been followed. Rather, it is the case of the appellant-Management that the impugned resolution dated 21.08.2015 was passed on the request of the writ petitioner seeking demotion and it was ratified by the District Education Officer, who had visited the School on 01.09.2015. Such an attitude on the part of the Appellant-Management is in clear violation of the procedure contemplated in Rule 17(A)(4), which makes a mandate on the part of the School Management to send such a request to the Chief Educational Officer/District Educational Officer, as the case may be, who shall, in turn, get the confirmation of the teacher or the other person employed, as the case may be, as to the fact of such request and then accord his approval to relieve the person concerned.

10. The protection guaranteed by the statute to the Teachers and other



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employees working in private schools from the arbitrary action that could be taken by the Management and consequently protecting the education system is sought to be defeated by the appellant-School Management, which cannot be sustained.

11. In view of the above, we find no infirmity in the order passed by the learned Single Judge warranting any interference. The Writ Appeal fails and the same stands dismissed. No costs.

[A.D.J.C., J.] [K.R.S., J.]
10.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

1. The Director of Elementary Education
College Road, Chennai- 600 006.
2. The District Elementary Educational Officer
O/o the District Elementary Educational Officer
Collectorate, Virudhunagar Post & District
3. The Assistant Elementary Educational Officer
Srivilliputhur, Srivilliputhur Post
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