



W.P.(MD).No.21993 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.21993 of 2023
and WMP(MD) Nos.18335 and 18336 of 2023

The Correspondent,
C.E.Primary School,
Vannarapet, Puthur,
Tiruchirappalli – 620 017.

... Petitioner

Vs

1. The Director of Elementary Education,
College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Tiruchirappalli, Tiruchirappalli District.
3. The District Educational Officer (Elementary),
Tiruchirappalli, Tiruchirappalli District.
4. The Block Educational Officer,
Tiruchirappalli, Tiruchirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent District Educational Officer in Na.Ka. No.0320/A5/2022, dated 14.07.2023, quash the



W.P.(MD).No.21993 of 2023

same, and further direct the DEO to disburse the grant-in-aid towards the salary of Tmt.Mary Stella from the date of her resumption in the post of Secondary Grade Teacher i.e., 23.12.2022 within a reasonable time as stipulated by this Court.

For Petitioner : Ms.Rooshi Maas
For M/s.Issac Chambers

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The petitioner, who is the Correspondent, has filed this writ petition challenging the impugned order of rejection passed by the 3rd respondent, dated 14.07.2023 for revocation of suspension of the teacher by name Mary Stella, who was the Secondary Grade Teacher in the same School.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. Perused the materials available on record.

3.The learned counsel for the petitioner submitted that the revocation of suspension was made taking into account of the large vacancy in the teachers and the difficulty in handling the classes for the students. It is



W.P.(MD).No.21993 of 2023

further submitted that the said teacher was kept under suspension from 03.12.2021. Taking into consideration the long pendency of the order of suspension, the petitioner had taken a decision to revoke her suspension and reinstate her into service. However, the same was not approved by the third respondent.

4.The learned Additional Government Pleader appearing for the respondents submitted that Mary Stella and her husband, who is the Headmaster of the said School involved in a POCSO case, registered in Cr.No. 25 of 2021, on the file of All Women Police Station, Trichy. In fact, Mary Stella and her husband were arrested on 03.12.2021 and the petitioner alone was released on bail on 04.12.2021. The petitioner's husband has been booked under GOONDAS Act, in view of his involvement in criminal cases including the aforecited case. He further submitted that the Special Correspondent of the School is the brother-in-law of Mary Stella.

5.In the order of revocation of suspension, nothing is stated about the pending of criminal case and its impact upon the students. The petitioner had chosen to revoke the order of suspension and reinstate the Mary Stella,



W.P.(MD).No.21993 of 2023

without giving any consideration to the interest of the students. However, the fourth respondent is bound to consider the fact that Mary Stella is a second accused in the aforementioned case and the long pendency of investigation, while dealing with the grant of the approval for the order of revocation of suspension and reinstatement ordered by the petitioner.

6.It is learnt that as per the direction of the third respondent/District Educational Officer on 14.06.2023, no disciplinary action has been initiated against the said Mary Stella so far.

7.It is submitted by the learned counsel for the petitioner that the petitioner's School being a minority school, the Government cannot direct the School authority to take disciplinary action. So far, no disciplinary action has been taken.

8.Neither the petitioner had *suo-motu* taken any disciplinary action knowing the gravity of the offence, for which, Mary Stella and her husband were booked. So, the Government is right in rejecting the order of revocation



W.P.(MD).No.21993 of 2023

WEB COPY

of suspension and reinstatement, taking into consideration of the broader spectrum of the pending case and its implication on the students.

9.In view of the above discussions, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.04.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

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W.P.(MD).No.21993 of 2023

R.N.MANJULA, J.

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