



WP(MD)Nos.19473 of 2018 and 25486 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)Nos.19473 of 2018 and 25486 of 2019

and

WMP(MD)Nos.17283 of 2018 and 22045 of 2019

in WP(MD)No.19473 of 2018

Kumaresa Pandian

... Petitioner

Vs

1.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

2.The District Educational Officer,
DEO office campus,
Paramakudi – 623 707.

3.The secretary,
KHN Higher Secondary School,
Perunazhi – 623 115,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records pertaining to the order passed by the 3rd respondent in his proceedings Nil dated 30.07.2018 and quash the same.



WP(MD)Nos.19473 of 2018 and 25486 of 2019

For Petitioner : Mr.Karthick,
for M/s.Lajapathi Roy Associates
For Respondent : Mr.K.Balasubramani,
Nos.1 and 2 Special Government Pleader
For Respondent : Mr.N.Dilip Kumar
No.3

in WP(MD)No.25486 of 2019

Kumaresa Pandian

... Petitioner

Vs

- 1.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.
- 2.The District Educational Officer,
DEO office campus,
Paramakudi – 623 707.
- 3.The secretary,
KHN Higher Secondary School,
Perunazhi – 623 115,
Ramanathapuram District.

4.P.Murugesu Nadar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records pertaining to the order passed by the 3rd respondent in his proceedings Nil dated 18.12.2018 in respect of the dismissal of the petitioner from the post of Junior Assistant from 3rd respondent school and quash the same.



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For Petitioner : Mr.Karthick,
for M/s.Lajapathi Roy Associates
For Respondent : Mr.K.Balasubramani,
Nos.1 and 2 Special Government Pleader
For Respondent : Mr.N.Dilip Kumar
Nos.3 and 4

COMON ORDER

The petitioner is a Junior Assistant in the 3rd respondent aided private school. It is covered under the Tamil Nadu Recognised Private School (Regulations) Act. The petitioner was placed under suspension by order dated 30.07.2018. He has challenged the same in WP(MD)No.19473 of 2018. Pending this writ petition, he was dismissed from service by order dated 18.12.2018. Challenging this order of dismissal, WP(MD)No25486 of 2019 is filed.

2. The petitioner has challenged the dismissal order that without getting prior approval as required under Section 22 of the Tamil Nadu Recognised Private School (Regulations) Act r/w Rule 17 of the Tamil Nadu Recognised Private School (Regulations) Rules, the respondents have passed the order of dismissal.



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3. The learned Counsel for the 1st respondent submits that the proposal was made by the School Committee and they have sought for certain files to take a decision on the proposal, but those files have not been furnished to the 1st respondent by the 3rd respondent.

4. The learned Counsel for the 3rd respondent submits that even before this order of dismissal dated 18.12.2018, the petitioner was dealt with another charge in the year 2016 and a similar dismissal order was passed as against him on 12.12.2016. Even for this order, the 1st respondent has not accorded sanction as required under the Act. Citing the pendency of the writ petition, the 1st respondent has not taken any decision on the proposal made by the 3rd respondent school.

5. This Court considered by the rival submissions and perused the materials placed on record.



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6.The main contention of the petitioner is that the order of dismissal is passed without prior approval from the Chief Educational Officer as required under Section 22 (1) of the Act, which is extracted as under:

“22. Dismissal, removal or reduction in rank or suspension of teachers or other persons employed in private schools. - (1) Subject to any rule that may be made in this behalf, no teacher or other person employed in any private school shall be dismissed, removed, or reduced in rank nor shall his appointment be otherwise terminated except with the prior approval of the competent authority.”

7.The 3rd respondent claims that the request for approval on the punishment order has already been made on 18.12.2018 to the 1st respondent Chief Educational Officer. However the same has not been considered by referring to the pendency of the writ petition before this court. Since the disciplinary proceedings had already culminated and an order of approval on the proposal to be accorded as required as per Section 22(1) of the Act, the writ petition in



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WP(MD)No.25486 of 2019 is disposed of with a direction to the 1st respondent to take a decision on the proposal made by the 3rd respondent within a period of twelve weeks from the date of receipt of a copy of this order.

8.In view of the order passed in WP(MD)No.25486 of 2019, the writ petition in WP(MD)No.19473 of 2018 is closed since it is filed challenging the order of suspension as infructuous. No costs. Consequently connected miscellaneous petitions are closed.

27.11.2024

Internet : Yes / No

DSK



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