



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.67 of 2025
and W.M.P.No.80 of 2025

K.Gnanavalli

.. Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary
School Education Department
Fort St. George
Chennai – 600 009.

2.The Director of Elementary Education
College Road
Chennai – 600 006.

3.The District Elementary Educational Officer
Cuddalore District, Cuddalore.

4.The Block Educational Officer
Parangipattai – 608 501.

5.The Secretary
Kasthuriba Aided Primary School
Poovalai Village
Bhuvanagiri Taluk
Cuddalore District.

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order of the 5th respondent made in order No.68/2024 dated 30.09.2024 and to quash the same.

For Petitioner .. Mr.V.S.Sivasundaram

For R1 to R4 .. Mr.A.Bakkialakshmi, Govt. Advocate.

ORDER

This writ petition has been filed in the nature of a Certiorari seeking records relating to the order of the 5th respondent / Secretary, Kasthuriba Aided Primary School, Poovalai Village, Bhuvanagiri Taluk, Cuddalore District, in order No.68 of 2024 dated 30.09.2024 and to quash the same.

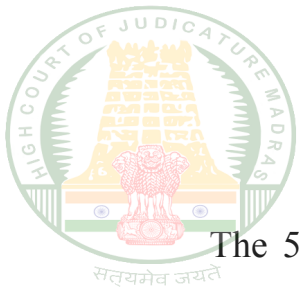
2.The petitioner had completed her Diploma in Teacher Training Course in the year 2004 and was appointed as Secondary Grade Teacher in the 5th respondent school on 10.01.2005. She was granted regular pay on and from 01.06.2006 by an order dated 11.09.2006. The petitioner was also requested to work as Headmistress permanently in the 5th respondent school consequent to the dismissal of the Headmistress, who was so functioning. However, the petitioner was not paid the Headmistress salary for more than



five years. She made a request to the 5th respondent for forwarding a proposal to the 1st to 4th respondents for approval of appointment as headmistress. This was also forwarded by the 5th respondent. The petitioner continued to make representations in this regard and the 5th respondent continued to send the proposal to the other respondents.

3.The petitioner had earlier filed W.P.No.18919 of 2023 in the nature of a Mandamus seeking a direction against the 5th respondent to forward proposal to the 3rd respondent for approval of appointment of the petitioner as Headmistress with effect from 18.09.2018. It is stated that thereafter, the earlier Headmistress was permitted to rejoin the duty on 19.07.2023.

4.The petitioner was then visited with a show cause notice in order No.68 of 2024 dated 29.06.2024 seeking explanation for the charges mentioned in the notice. It had been stated that the petitioner had given an explanation to each one of the charges. It had been stated that the petitioner was not even served with copies of the documents relied on by the 5th respondent. Thereafter, an alternate charge was issued to the petitioner on 29.08.2024. Again the petitioner forwarded an explanation on 02.09.2024.



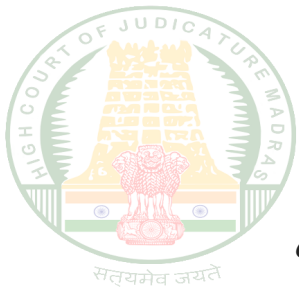
The 5th respondent then passed the impugned order withholding the next two increments with cumulative effect.

5.A counter affidavit had been filed on behalf of the 4th respondent wherein, it had been very clearly and categorically stated as follows:

“10.(iii)A perusal of the order dated 30.09.2024 reveal that no enquiry or personal hearing was conducted before imposing the punishment and that the charges levelled against the petitioner did not contain the date of occurrence and not based on oral or documentary evidence in support of each of the charge.

(iv)In the Charge Memo issued by the 5th respondent in R.C.68/2024/ dated 29.06.2024 irrelevant authority has been noted in the last para of the proceedings dated 29.06.2024

13.Regarding the averments in ground 'a' and 'b' of the affidavit of the petitioner, it is submitted that Rule 29 of Tamil Nadu Private School Regulation Rules 2023, the School Committee is the competent authority to impose the punishment and hence the order of punishment passed by the 5th respondent in an independent capacity, without a resolution of the school committee is a violation of the statutory rule. More over the 5th respondent has passed the order even without conducting any



WEB COPY



enquiry or personal hearing with regard to the certain occurrences stated in the charges.

14.Regarding the averments in ground 'c' to 'f' of the affidavit of the petitioner, it is submitted that the petitioner has raised one and the same contentions repeatedly. It is submitted that for the reasons stated in para 10 above, the order of punishment imposed by the 5th respondent against the petitioner is lack of jurisdiction and procedural violations.”

6.It is clear that the 5th respondent had exceeded jurisdiction. Probably the 5th respondent was of the impression that as Secretary of the primary school, the 5th respondent can lord over everybody and can act with authority and exercise authority without providing opportunity in a fair manner. It had been very clearly stated in the counter affidavit of the 4th respondent that the 5th respondent was not authorised by the Committee to issue either a show cause notice or to impose punishment or to conduct inquiry or to impose punishment. A perusal shows that the 5th respondent has no jurisdiction at all to pass the impugned order. The impugned order is set aside.

7.Accordingly, this Writ Petition stands allowed. No costs.



Consequently, this Writ Miscellaneous Petition is closed.

WEB COPY

28.03.2025

Index: Yes/No
Internet: Yes/No
smv

To

1.The Secretary
School Education Department
Fort St. George
Chennai – 600 009.

2.The Director of Elementary Education
College Road
Chennai – 600 006.

3.The District Elementary Educational Officer
Cuddalore District, Cuddalore.

4.The Block Educational Officer
Parangipattai – 608 501.

5.The Secretary
Kasthuriba Aided Primary School
Poovalai Village
Bhuvanagiri Taluk
Cuddalore District.

C.V.KARTHIKEYAN,J.

smv



WEB COPY

7



W.P.No.67 of 2025

28.03.2025