



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.29748 of 2010

and

M.P.No.2 of 2010

X.Jayaseelan

... Petitioner

Vs.

1.The Director of Elementary Education
College Road, Chennai – 6.

2.The District Elementary Educational Officer,
Salem – 7.

3.The Additional Assistant
Elementary Educational Officer,
Nagurpuram, Salem 636 006.

4.The Secretary,
Balakrishna Vilas Aided Elementary School
Dhadhakapatti, Salem – 6.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records connected with the impugned charge sheet in Letter No.8/2009 dated 12.12.2009 issued by the 4th respondent and quash the same and further direct the 2nd respondent to follow the procedures prescribed in Sec.22(3) and Rule 17(2) (ii) and (iii) of the TNPSR Act 1973 to reinstate the petitioner in service



with all attendant benefits.

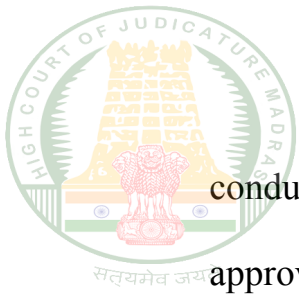
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For Petitioner : Mr.N.Ravichandran
For R1 to R3 : Ms.Akila Rajendran
Government Advocate.
For R4 : Mr.M.R.Jothimanian
for Ms.G.Punniyakoti

ORDER

This writ petition has been filed challenging the charge sheet issued by the 4th respondent in Letter No.8/2009 dated 12.12.2009 and sought for quashing of the same and consequently sought for a further direction to the 2nd respondent to follow the procedure prescribed under Section 22(3) and Rule 17(2) (ii) and (iii) of the TNPSR Act 1973 to reinstate the petitioner in service with all attendant benefits.

2. A writ petition to quash the charge sheet is normally not entertained by this Court unless and until it is found that the authority who issued a charge sheet is not competent to issue the same and in case any other jurisdictional issue or abuse of process etc., are involved. Though this writ petition was filed in the year 2010, no interim order was passed as on date, staying the enquiry proceedings. In view of the same, according to learned counsel appearing for the 4th respondent, the enquiry proceedings was

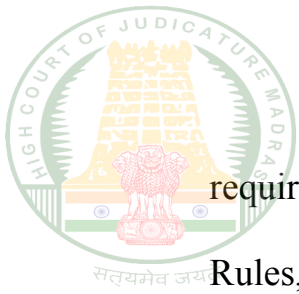


conducted *ex-parte* and a request is made to the 2nd respondent for grant of approval to pass a final order in the enquiry that was concluded pursuant to the impugned charge sheet. The issue is now pending before the 2nd respondent for grant of approval for passing a final order.

3. The learned counsel appearing for the petitioner contended that the 4th is not a competent authority to issue the impugned charge sheet and it is only the School Committee which is competent to issue the charge sheet. Besides the same, the learned counsel attributed various malafides against the 4th respondent Secretary on various counts.

4. On the other hand, learned counsel appearing for the 4th respondent brought to the notice of this Court that there was a resolution dated 16.11.2009 passed by the School committee concerned to place the petitioner under suspension and also to call for explanation from the petitioner, and then to take disciplinary action.

5. However, the learned counsel for the petitioner contended that the said resolution was not communicated to the competent authority as



required under Rule 14(3) of Tamil Nadu Private Schools (Regulations) Rules, 1974 (hereinafter referred as Rules, 1974) within a period of 15 days

from the date of passing of the resolution, but in the instant case, the resolution dated 16.11.2009, said to have been passed by the school committee, was not communicated and therefore, the said resolution dated 16.11.2009 cannot be treated as the basis for issuing the impugned charge sheet.

6. This Court has carefully considered the submissions made on either side and perused the material on record.

7. As already noted above, in the normal course, no writ petition is entertained against the charge sheet. The impugned charge sheet has been issued by the 4th respondent which is an aided elementary school, governed by the provisions of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and the Rules made thereunder. There are various safeguards provided to safeguard the interest of the employees working in the private schools. No employee can be removed or dismissed from service unless a prior approval is obtained from the competent authority. If the petitioner is aggrieved by any of the procedure adopted by the 4th respondent or is of the



view that the 4th respondent is not competent to issue the charge sheet nor find any violation of any of the provisions of the Act, 1973 or the Rules made thereunder including the principles of natural justice, it is always open for the petitioner to bring all such violations or irregularities to the notice of the competent authority who is competent to grant prior approval for passing final orders in a disciplinary proceedings initiated against an employee of the private school.

8. *Prima facie*, it appears that already there was a resolution passed by the school committee to take disciplinary action against the petitioner duly placing him under suspension. Whether the resolution dated 16.11.2009 is communicated to the competent authority as required under Rule 14(3) of the Rules 1974 or not is not the matter for consideration before this Court in the present writ petition as the resolution dated 16.11.2009 is not under challenge. If at all, the same is not communicated to the competent authority as required under Rule 14(3) of the Rules, 1974, whatever the consequences that would flow would naturally flow, and it is for the competent authority to take a decision on those aspects, and it is not for this Court to examine all these factual aspects and to examine the matter at the threshold.



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9. In the light of the above, this Court is not inclined to entertain this writ petition at this stage. Taking into consideration the fact that this writ petition has been pending since the year 2010 and the entire enquiry proceedings pursuant to impugned charge sheet has been concluded by the 4th respondent *ex parte*, this Court deem it appropriate to direct the 4th respondent/competent authority to conduct *denovo* enquiry by duly affording an opportunity to the petitioner and in accordance with law.

10. It is made clear that it is not open for the 4th respondent to conduct any enquiry keeping the petitioner in air and the 4th respondent shall take appropriate decision either to reinstate the petitioner into service or to deal with the status of the petitioner in accordance with the provisions of the Act 1973 r/w Rules, 1974 before commencing the *denovo* enquiry pursuant to this order. It is further directed that the petitioner shall co-operate for conclusion of the enquiry and the entire enquiry as directed above shall be concluded, as expeditiously as possible, at any rate, within a period of six (6) months from the date of receipt of a copy of this order.

11. Accordingly, this writ petition is disposed of. No costs. Connected miscellaneous petitions, if any, shall stand closed.



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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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