



W.P.No. 15882 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.03.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.15882 of 2023

K. Rajasekaran

.. Petitioner

Versus

1. The Principal Secretary,
School Education Department,
Government of Tamil Nadu,
St. George Fort, Chennai.

2. Commissioner of School Education,
DPI Campus, Chennai.

3. The District Collector,
Coimbatore.

4. Chief Educational Officer,
Raja Street, Coimbatore -1

5. District Educational Officer &
Special Officer,
Thiagi. NG Ramasamy Memorial School,
Raja Street, Coimbatore – 1.

6. Sadhasivan, Head Master,
Thiagi, NG Ramasamy Memorial School,
Raja Street, Coimbatore – 1.

...Respondents



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Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent 1 to 5 to suspend the 6th respondent pending enquiry as per the Code of Conduct for Teachers and other persons employed in a private School Annexure – II to the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 framed under the Act read with Rule 16, on the basis of the complaint dated 26.12.2020,03.04.2023 and 29.04.2023 and pass orders.

For Petitioner	: Mr.C. Emiliyas
For Respondents 1 to 5	: Mr. S. Prabhakaran Government Advocate
For Respondent-6	: Mr.AGD. Balakumar

ORDER

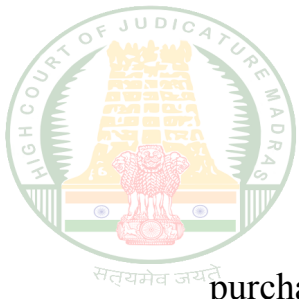
This petition is filed to issue a Writ of Mandamus directing the respondent 1 to 5 to suspend the 6th respondent pending enquiry as per the Code of Conduct for Teachers and other persons employed in a private School Annexure – II to the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 framed under the Act read with Rule 16, on the basis of the complaint dated 26.12.2020,03.04.2023 and 29.04.2023 and pass orders.



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2. The facts of the case is that the Coimbatore District Textile Workers Union is a registered Trade Union. The members of the Union decided to start an Educational institution under the name and style of Thiyaagi N.G. Ramasamy Memorial School at Coimbatore, since the said Thiyaagi N.G.Ramasamy was the founder of the trade union. The 6th respondent was appointed by the Coimbatore District Textile Mill Workers union initially as a teacher in the year 1996 and he was promoted as a Head Master in the year 2012 by the Coimbatore District Textile Mill Workers Union. It is pertinent to note that there was some administrative dispute, due to which the school has been taken over temporarily by the Government of Tamil Nadu as per the Education Department vide G.O.Ms.No.81 dated 27.04.2018 and the management has been entrusted with the 5th respondent. The 5th respondent is appointed as Special officer by the Government on 27.04.2018. The sum and substance of the case is that the 6th respondent/Head Master and one Mr.Leelakrishnan entered into an agreement of sale with one Sarasvathimmal, which ended in a dispute, due to which the Leelakrishnan filed O.S.No.468/2020 before the Additional District Judge, Coimbatore. It is pertinent to note that the 6th respondent



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purchased properties to an extent of 9.16 acres in the name of his wife R.Suganthi on 22.06.2020 which would fetch value to the tune of Rs.2crores. The said purchase was not informed to the authorities concerned and he has violated the Rule 16(1) and Rule 3 Code of Conduct for Teachers and other persons employed in a Private School. The other thing is that a criminal case was pending before the Judicial Magistrate-III, Coimbatore in CC.No.1242/2022 in Cr.No.2252/2020 of Singanallur PS U/s 385,403,420,120(b) of IPC on a complaint give by one Sathish Kumar and the petitioner was arrayed as second accused in FIR, and 3rd accused in the Charge Sheet. The further case is that on a complaint given by 4th Respondent/CEO an FIR in Cr.No.271/2021 U/s 143,269,294(b),332 of IPC, Section 4 of TN Prohibition of Harassment of Women Act, 2002 on the file of the Ukkadam Police Station Coimbatore dated 17.09.2021. Hence, the petitioner who is an old student of the said school studied during the year 1983 has sent complaints to the authorities concerned against the 6th respondent on 26.12.2020,03.04.2023 and 29.04.2023. However, there is no progress in the said complainant, which has given rise to this petition.



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3. The learned counsel for the petitioner submitted that if the 6th respondent criminal and Real Estate business activities are permitted to continue without ordering an enquiry, the students will be put to indiscipline, irreparable loss and hardship. He further submitted that the 6th respondent with the help of the newly appointed office bearers of parent's teacher's Association is indulged in misappropriating the funds of the school, collecting donation from the parents and diverting all the funds to his Real Estate business. Hence prays to allow this petition.

4. The learned State Government Pleader has filed a counter wherein, it has been stated that in the criminal case pending before Judicial Magistrate-III, Coimbatore in CC.No.1242/2022 in Cr.No.2252/2020 of Singanallur, investigation was conducted and it was found that the 6th respondent was not involved in the crime and his name was removed. It is further stated that in the FIR filed in Ukkadam Police station in FIR in Cr.No.271 of 2021 dated 17.09.2021 the name of the 6th respondent was not found. It is pertinent to note that the 6th respondent roll is efficient and he has produced good results in Government Examinations and prays for dismissal of this petition.



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record.

5. Heard both sides and perused the materials available on

6. The core contention of the petitioner is that the official respondents have not taken proper action against the complaints given by him. Per Contra, the learned Government Advocate appearing for the respondents submitted that they have taken necessary action against the complainants and there is no rule to suspend the 6th respondent.

7. In view of the above facts, this Court directs the Chief Educational Officer/4th respondent herein, to issue notice to the parties concerned before 15th May, 2025 and complete the enquiry within a period of two months i.e 31th July 2025. The 4th respondent is further directed to pass appropriate orders on merits and in accordance with law on the basis of the enquiry report within a period of eight weeks from the date of receipt of the enquiry report. The 3rd respondent is directed to provide an opportunity for examination and cross examination of all the witness to the concerned parties. It is also made clear that the observations made in the earlier enquiry should not be taken into account and conduct a *denova* enquiry.



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7. With the above directions, this Writ Petition stands disposed of.

No order as to costs.

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Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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