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W.P.No.16592 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.12.2025

PRONOUNCED ON : 12.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.16592 of 2019

and W.M.P.No.16220 of 2019

M.Kasthuri

.. Petitioner

vs

1.The Principal Secretary/ The State Project Director,
Sarva Shiksha Abiyan (SSA)
Chennai – 600 006.

2.The Additional Chief Educational Officer, (SSA)
Thiruvannamalai – 606 601.
Thiruvannamalai District.

3.The Secretary,
SPHEED Charitable Trust,
Kasthurba Gandhi Baliga Vidyalaya
Residential School (Aided by the Govt.)
Rayandapuram Road – 606 708
Perungalathur, Thandrampet Union,
Thiruvannamalai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in Na.Ka.No.KGBVRS/PKR/41/2019 dated 09.03.2019 on the file of the 3rd respondent herein, quash the same and consequently direct the 3rd respondent to reinstate the petitioner in service as B.T.Assistant (English) with all consequential benefits and in accordance with law within a time stipulated by this Court.

For Petitioner : Mr.P.Ganesan



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For Respondents : Ms.A.Bakkiyalakshmi for R1 and R2
Government Advocate
Mr.R.Rajarajan for R3

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents No.1 and 2 and the learned counsel for the third respondent and perused the materials available on record.

2. The case of the petitioner in brief is that she had obtained Masters degree i.e., M.A(English) in the year 2003 and B.Ed degree thereafter in the year 2009 and also having qualified Teacher Eligibility Test -II in the year 2013; that she was selected and appointed through interview as B.T.Assistant in July, 2009 in the 3rd respondent School on a consolidated pay; and that she was discharging her duties/responsibilities without giving room for any complaint.

3. It is the further case of the petitioner that she was given super time scale of pay of Rs.20,000/- from the year 2014 onwards; that the 3rd respondent, however, all of a sudden started to issue show cause notice to Teachers who have not qualified TET test upto 31.05.2019, even though, qualifying in the said examination was made mandatory in terms of

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G.O.Ms.No.181 dated 15.11.2011; that some of the Teachers questioning the order of the 3rd respondent, approached this Court by filing the writ petition vide W.P.No.13306 of 2019 and W.A.No.1723 of 2019 and secured orders therein, from terminating their services; that the 3rd respondent in order to continue the Teachers who had approached this Court and secured interim orders for continuing their services, issued impugned order terminating her services, stating that there is a poor performance of teaching and not able to bring the children to bright position.

4. It is the further case of the petitioner that the 3rd respondent without conducting any enquiry and without issuing any notice or seeking her explanation and without following the procedure known to law had issued the impugned order dated 09.03.2019 which is stigmatic as the same amounts to dismissal from service and thus the action of the 3rd respondent is highly illegal and arbitrary.

5. The respondents No.2 and 3 have filed a separate counter affidavit.

6. The second respondent by the counter affidavit contended that since, the petitioner possess the qualification of M.A. English with B.Ed



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Degrees she was appointed by the 3rd respondent as a B.T.Assistant (English) on contractual basis with a consolidate pay by order dated 27.08.2014 and that the 3rd respondent is a charitable trust which is registered as a Non-Governmental Organisation and as per the Sarva Shiksha Abhiyan Scheme, the trust is running the School as a residential School for 6th to 8th Standard focusing on the girl students of the age between 10 to 14 in the locality who are identified and admitted into the School with free boarding and lodging, uniforms, textbooks being supplied to them in order to uplift them by imparting education.

7. By the counter affidavit, it is further contended that at the time when the educational authorities i.e., District Co-ordinator of Sarva Siksha Abhiyan Scheme, the Supervisor and the Teacher educators of the Block Resource Center caused visit and inspected the 3rd respondent School, the authorities found unsatisfactory performance of the teaching of the petitioner and made recorded the remarks, based on which, the Secretary of the 3rd respondent had warned the petitioner; that the petitioner was also issued with a charge memo for negligence of duties; that the petitioner while giving explanation requested one month time to give efficient teaching to the students and improve the standards of the students; and that even after

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giving time by the 3rd respondent, she had not shown any improvement in the teaching of English to the students and thus, sought permission of the 2nd respondent to terminate the services of the petitioner, upon which, the 2nd respondent had sought for an explanation from the petitioner for dereliction of duties and that the second respondent by considering the explanation submitted by the petitioner accorded permission to the 3rd respondent to terminate the services of the petitioner and fill-up the resultant vacancy by a suitable candidate vide proceedings dated 05.03.2019.

8. By the counter affidavit, it is further contended by the 2nd respondent that the action of the respondents in terminating the services of the petitioner which are availed on temporary basis is as per Rules and Regulations and Government Orders in force, and thus, there is no violation of principles of natural justice nor the impugned proceedings of the 2nd respondent is to be held as being invalid in law.

9. The 3rd respondent by the counter affidavit stated that the 3rd respondent/School is being run by the Non-Governmental Organisation, pursuant to scheme announced by the Central Government called “Sarva Shiksha Abhiyan Scheme” intended to increase literacy of rural woman below the national average of 46.13% to increase the literacy ratio



by bringing the students who have dropped out of school between the age of 10 to 14 years by giving free boarding and education in the school; that in the school being run by the 3rd respondent, there are totally 80 students staying, out of which, 50 students are studying in the Standard of 6 to 8th and other 30 students are staying in the hostel and studying in the nearby Government Higher Secondary School; and that in order to strive to teach English easily and in an understandable manner, the 3rd respondent took up appointment and appointed the petitioner as English Teacher as a temporary measure on contract basis with a consolidated pay of Rs.20,000/- p.m.

10. It is the further case of the respondent that the petitioner who is appointed as English Teacher, conducted herself in lethargic and negligent manner, despite being given specific instructions to reside in the hostel, left the School hostel in the wee hours at 4.00 a.m and used to return lately; that when the inspection is conducted by the Educational authorities, adverse report was made against the petitioner with respect to her teaching ability that the petitioner was visited with a charge memo for employing the students for menial works and called upon the petitioner to submit her explanation; that though the petitioner gave her explanation, the said explanation failed to make any sense; that the petitioner being a English

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Teacher could not write proper sentence despite being cautioned to improve her teaching ability; and that for the said reason, the 3rd respondent issued the impugned proceedings terminating the service of the petitioner, as continuing her services further would not lead to betterment of the students carrier.

11. By the counter affidavit, it is contended that the respondents before taking the decision to terminate the services of the petitioner which are purely temporary and on contractual basis, gave sufficient opportunities to the petitioner to improve her teaching skills and despite being afforded sufficient time, as there was no improvement, the respondent pursuant to the letter dated 05.03.2019 of the Additional Chief Educational Officer, removed the petitioner and in her place another teacher was appointed on temporary basis.

12. By the counter affidavit, it is further contended that the petitioner while approaching this Court had suppressed the fact of she being issued with notices and the explanation given by her in relation to improving her teaching skills which were found not satisfactory and thus, the writ petition



is liable to be dismissed on the ground of suppression.

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13. I have taken note of the respective contentions urged.

14. Though the petitioner in the affidavit filed in support of the writ petition had claimed that she having been granted super time scale pay of Rs.20,000/- from the year 2014 onwards, the pay certificate for the month of June, 2018 as filed into this Court as material paper, shows the petitioner being paid a lump-sum payment of Rs.20,000/- and that her appointment as English Teacher is temporary. Thus, the claim and contention of the petitioner of she having been granted super time scale of pay of Rs.20,000/- from the year 2014 cannot be accepted as correct and valid claim.

15. Further, the pay certificate as filed by the petitioner also shows that her appointment as English Teacher is purely on temporary basis. Though the petitioner had claimed of having rendered services for a period of 10 years, having appointed duty in July 2009, the letter of appointment dated 27.08.2014 as filed into this Court, shows the petitioner being appointed only with effect from 29.08.2014 whereunder, the petitioner was appointed to work at the 3rd respondent Boarding School without leaving the work atleast for a period of 2 years. Thus, the claim of the petitioner of she



having joined duty in July, 2009 and thus, having worked for 10 years is also factually incorrect statement.

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16. Further, it is to be noted that the petitioner by the present writ petition had claimed that she having worked for more than 10 years as a Teacher of the 3rd respondent School and at no point of time, she was served with any memo or complaint whatsoever regarding her teaching method, the 2nd and 3rd respondent by the counter affidavit filed by them having categorically stated the various notices that have been issued to the petitioner and the explanation submitted by her thereto, would go to show that the petitioner was put on notice with regard to improving her teaching abilities and the petitioner suppressing the said notices issued and her explanation submitted had approached this Court.

17. On the respondents by the counter affidavit, bringing to the notice of this Court the various notices issued to the petitioner, the petitioner did not choose to file any reply, if the said statement made by the respondents in the counter affidavit are incorrect. Thus, the statement made by the respondent by the counter affidavit, of petitioner being issued with notice remains uncontroverted and thus, it is to be taken as accepted.

18. Further, the 3rd respondent by the counter affidavit having stated



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that the explanation submitted by the petitioner to the charge memo only goes to show her proficiency in the subject, placed before this Court, copy of the explanation submitted by the petitioner for the perusal of the Court to evaluate proficiency of the petitioner in the subject which she is required to teach i.e., English.

19. Though, this Court has perused the explanation submitted by the petitioner, the Court refrains itself from expressing any views thereon.

20. Notwithstanding the above, on behalf of the respondents, it is contended that since, the petitioner did not possess the required teaching ability in the subject, for which she is appointed, the 3rd respondent chose to terminate her services which were purely on contractual basis as per the terms of appointment, the said action cannot be held as illegal.

21. Accordingly, the writ petition fails and is dismissed. No costs. Consequently connected miscellaneous petition is closed.

12.12.2025.

msv

Index:Yes/No

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Internet: Yes/No
Speaking order: Non-speaking order
Neutral Citation: Yes/No

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To

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Chennai – 600 006.

2.The Additional Chief Educational Officer, (SSA)
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T. VINOD KUMAR, J.

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Pre-Delivery Order in
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