



W.P.No.26149 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.26149 of 2014

G.Janarthanan

...

Petitioner

Vs

1 The Director of Higher Secondary Education,
Tamil Nadu School Education (Higher Secondary),
DPI Complex, College Road,
Nungambakkam,
Chennai-600 006.

2 The Chief Educational Officer,
Higher Secondary Education,
Vellore.

3 The District Educational Officer,
Thirupattur Educational District,
Thirupattur,
Vellore District.

4 The Secretary,
Hindu Higher Secondary School,
Vaniyambadi - 635 751,
Vellore District.

5 Mrs.S.Ravi Chandrika

...

Respondents

(R5- impleaded as per order, dated 25.02.2025,
in W.M.P.No.8449/2016)



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WEB COPY PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records of the respondents herein in respect of the impugned order and proceedings, dated 13.09.2014, of the 4th respondent herein and quash the same with a consequential direction to the respondents herein to promote, appoint, and grant approval to the petitioner herein to the post of Post Graduate Assistant (Commerce) in the Hindu Higher Secondary School, Vaniyambadi, as per the unanimous resolution of the School Committee, dated 25.02.2009.

For Petitioner : Mr.S.T.Bharath Gowtham,
for Mr.C.V.Vijayakumar.

For Respondents 1 to 3 : Ms.Akila Rajendran,
Govt. Advocate.

For Respondent 4 : Mr.K.Karthikeyan

For Respondent 5 : Mr.J.Thilagaraj

ORDER

The petitioner herein, who was initially appointed as Junior Assistant in Hindu Higher Secondary School, Vaniyambadi, on 26.04.1999, was promoted to the post of Tamil Teacher on 27.03.2008 i.e., after acquiring B.Ed. Degree at Indira Gandhi National Open University. It was, thereafter, the petitioner was considered for further promotion to the post of Post Graduate Assistant (Commerce) during the year 2009 and, accordingly, after



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undergoing selection process along with respondent No.5, the petitioner was appointed as Post Graduate Assistant (Commerce), by virtue of a unanimous resolution passed by the School Committee, dated 25.02.2009. While the said appointment order was pending approval before the Departmental authorities, fifth respondent herein made a complaint against the manner in which the petitioner acquired B.Ed. qualification, resulting in conducting an inquiry into the matter. Fifth respondent also filed W.P.No.3106 of 2009 unsuccessfully and the writ appeal filed thereagainst vide W.A.No.319 of 2014 also came to be dismissed by a learned Division Bench of this Court, by an order, dated 17.03.2014, taking the view that the fifth respondent was not entitled to object for consideration of the case of the petitioner based upon the B.Ed. Degree, so long as the said B.Ed. Degree was in operation. It was thereafter, fifth respondent took steps to question the B.Ed. qualification acquired by the petitioner and also approached this Court once again by filing W.P.No.9123 of 2017. However, the said writ petition was refused to be entertained by this Court by an order, dated 06.07.2022. Thus, all the attempts made by fifth respondent to challenge the B.Ed. Degree secured by the petitioner failed. However, in the inquiry, that was conducted by fourth respondent, it was concluded that, the petitioner without satisfying the requisite eligibility criteria for admission into B.Ed. course, secured such admission, by misrepresentation and thereby secured B.Ed. qualification. The



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disqualification was because of the petitioner not possessing the requisite teaching experience in order to be eligible to seek admission into B.Ed. course. The experience of the petitioner as Junior Assistant in the school in question was claimed as teaching experience, and thereby the petitioner secured admission in B.Ed. course and consequently acquired B.Ed. qualification. Fourth respondent, after having concluded that the petitioner was not eligible to seek admission into B.Ed. course, passed the impugned order, dated 13.09.2014, cancelling the appointment order, issued in favour of the petitioner, promoting him to the post of Post Graduate Assistant (Commerce). It is aggrieved by the said order, the petitioner has approached this Court by filing the present Writ Petition.

2. The factual aspects, as narrated hereinabove, are not in dispute. The impugned order was passed by fourth respondent, who was the Secretary of the School in question. Though the matter was argued at length on various grounds, this Court does not deem it necessary to consider all such contentions, in view of the crucial contention raised on the point of jurisdiction and competency of fourth respondent to pass the impugned proceedings, dated 13.09.2014. By virtue of the impugned order, the petitioner, who was promoted to the post of Post Graduate Assistant (Commerce) as early as on 25.02.2009, was reverted to the post of Tamil Teacher, thereby reducing his rank.



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3. In terms of Section 18 (1) (c) of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, it is the power of the School Committee of the educational agency to take disciplinary action against the teachers and other employees of the private schools. But, in the instant case, it was only the Secretary, that passed the impugned order.

4. In the light of the specific objection raised on the competency of fourth respondent and the stand taken by fourth respondent contending that the School Committee had passed a resolution, dated 16.07.2014, authorising fourth respondent to take disciplinary action against the petitioner, this Court called for record of original resolution, dated 16.07.2014. Accordingly, learned counsel appearing for fourth respondent produced original resolution book, maintained by the school in question. A perusal of the said resolution book discloses that the original resolution, dated 16.07.2014, is not available in the resolution book, but, only a copy of the same, certified to be true copy, has been affixed in the resolution book. In spite of affording sufficient opportunity, learned counsel for fourth respondent is unable to inform this Court about the whereabouts of the original resolution, dated 16.07.2014. The impugned proceedings, dated 13.09.2014, do not refer to any resolution, much less the resolution, dated 16.07.2014, said to have been passed by the School Committee. In the absence of any such authorisation or delegation of power in favour of fourth respondent, fourth respondent is incompetent to pass the



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5. Be that as it may, whether the School Committee can delegate the power specifically conferred upon it under Section 18 of the Act,1973, in favour of fourth respondent, is yet another question that needs to be examined.

6. It is a settled legal proposition that in the absence of any provision providing for delegation of power specifically conferred upon an authority under a statute, the said power cannot be delegated. In the instant case, under the provisions of the Act,1973, there is no such provision, providing for or enabling the School Committee to delegate its powers conferred under Section 18 in favour of fourth respondent or any other authority. This aspect of the matter also fell for consideration before a co-ordinate Bench of this Court in W.P.(MD) No.16738 of 2012, wherein, it was held that delegation of powers in favour of Secretary by School Committee was not permissible. The same was the view taken by a Full Bench of this Court in *K.M.Valliappan v. Joint Director of School Education*, 2006 (4) CTC 471.

7. Under the circumstances, the impugned proceedings cannot be sustained, as they were passed by the incompetent fourth respondent. Therefore, the said proceedings are quashed. In so far as the consequential relief sought in the present Writ Petition by the petitioner is concerned, this Court is not inclined to grant such a relief at this stage in view of the facts and



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circumstances of the case, especially, when it is an undisputed fact that the petitioner secured admission to B.Ed. course by misrepresentation, and, as such, this Court does not deem it appropriate to exercise the discretionary jurisdiction of this Court under Article 226 of the Constitution of India in favour of the petitioner. However, it is left open for School Committee of Hindu Higher Secondary School, Vaniyambadi, Vellore, to take appropriate decision afresh in accordance with law.

8. Writ Petition stands disposed of accordingly. No costs. Consequently, the connected M.P.Nos.1 and 2 of 2014 are closed.

21.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

dixit

To:

- 1 The Director of Higher Secondary Education,
Tamil Nadu School Education (Higher Secondary),
DPI Complex, College Road,
Nungambakkam,
Chennai-600 006.
- 2 The Chief Educational Officer,



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Vellore.

- 3 The District Educational Officer,
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- 4 The Secretary,
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MUMMINENI SUDHEER KUMAR, J.

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