



W.A. No.2440 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A. No.2440 of 2025
and C.M.P. No.18731 of 2025

1. State Head Officer,
Provincial Superior,
Carmelite Sisters of St. Teresa,
Tamil Nadu Province,
No.4/412, NGGO Colony,
Salamedu, Kandamanadi Post,
Villupuram - 605 401.

2. The Correspondent / President,
Society of Carmelite Sisters of St. Teresa,
Nalla Ayan Convent, Nalla Ayan Middle School,
Nihung Post, Kothagiri - 643 217. Appellants / Respondents 1 & 2

Vs.

1. Ms. Mary Amutha D/o. M. Sakarias

2. The District Elementary Education Officer,
Nilgiris, Kothagiri - 643 217.

3. The Assistant Elementary Education Officer,
Nilgiris, Kothagiri - 643 217.

4. The Additional Assistant Elementary Education Officer,
Nilgiris, Kothagiri - 643 217. ... Respondents

PRAYER: The Writ appeal is filed under Clause 15 of Letters Patent praying



W.A. No.2440 of 2025

to set aside the order dated 16.04.2025 made in W.P. No.34068 of 2019.

WEB COPY

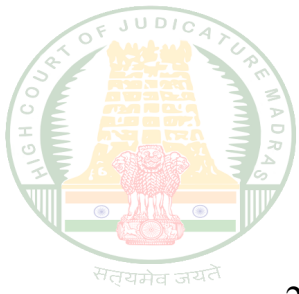
For Appellant : Mr. S. Rozario Sundar Raj

For Respondents : Mr. S. Yashwanth [for R2 to R4]
Additional Government Pleader.

JUDGMENT

(Judgment of the Court was made by P.DHANABAL,J.)

This Writ Appeal has been preferred as against the order passed by the Writ Court in W.P. No.34068 of 2019 dated 16.04.2025, wherein the 1st respondent herein has filed a Writ petition before the Writ Court challenging the dismissal order dated 31.05.2018 passed by the 1st appellant and to quash the same and consequently to direct the appellants 1 and 2 to reinstate the 1st respondent in service with all other monetary benefits. The Writ Court disposed of the Writ petition by setting aside the impugned order passed by the 1st appellant dated 31.05.2018 and directed the 1st appellant to reinstate the 1st respondent into service by posting her any one of the School falling under the Convent either as a teacher or headmistress by permitting her to stay outside from the date of her reinstatement, but without backwages. The 1st respondent's entitlement for backwages and other service benefits will depend upon the outcome of the enquiry report which shall be conducted in compliance with the orders of this Court and the 1st appellant was directed to pass appropriate order in this regard within a period of 4 weeks. Aggrieved by the said order, the present Writ appeal has been preferred.



W.A. No.2440 of 2023

WEB COPY

2. The short facts necessary to dispose of the Writ appeal are as follows:

The 1st respondent was working under the appellants and she joined the religious institution by name Carmelite Sisters of St. Teresa, when she was at the age of 15 years and continued her studies from being there. In the year 1996, she became a 'nun' and thereafter, she completed her teaching training course and she was posted as Secondary Grade Teacher in Nallayan Middle School, Kothagiri on 07.06.2001. Later she was promoted as Headmistress. Thereafter, when she was sick, there was misunderstanding between the 2nd appellant / Correspondent and the 1st respondent in respect of medical treatment and thereby, the 1st respondent left the institution on 11.06.2017 and continuing to do teaching job by seeking permission to stay outside. Thereafter, the 1st respondent gave a letter to the 2nd appellant on 13.06.2017 to give her job protection without harassing her. Thereafter, a Show Cause Notice was issued on the 1st respondent and the same was replied by her on 18.07.2017. In the meantime, a Charge Memo dated 21.09.2017 was issued on the 1st respondent and the 1st respondent gave an explanation. Thereafter, the 1st respondent was kept under suspension. Thereafter, a domestic enquiry was conducted and the enquiry officer rendered his findings that the charges against the 1st respondent were proved. Thereafter, she was dismissed from



W.A. No.2440 of 2023

service by the 1st appellant through an order dated 31.05.2018. Challenging the said dismissal order, the 1st respondent filed a Writ petition before the Writ Court and the Writ Court after hearing both sides, allowed the petition and passed the order which is impugned in this appeal by the appellants, who are the respondents 1 and 2 in the Writ petition.

3. The learned counsel appearing for the appellants would submit that the Writ Court passed the impugned order in contrary to law and erroneous against the facts of the case and opposed to probabilities and principles of law. The Writ Court failed to consider the conditions of the suspension order issued to the 1st respondent and she violated the conditions and stayed at Chennai. She failed to communicate her address to the School Authorities to avoid the service of notice. The Writ Court failed to consider that there were several communications sent to the 1st respondent through RPAD for the domestic enquiry and after receipt of those letters, she wantonly did not attend the domestic enquiry. Therefore, already sufficient opportunities were given to the 1st respondent in the domestic enquiry, but the Writ Court had erroneously held that the 1st respondent did not participate in the domestic enquiry. The charges levelled against the delinquent are serious in nature. The Writ Court failed to consider that the 1st respondent had indulged in financial irregularities by way of forcing the teachers in the School to pay certain

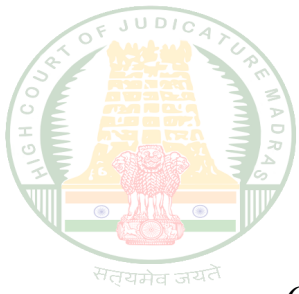


W.A. No.2440 of 2023

amount to her for sanctioning earned leave and other benefits due to them. In fact, the 1st respondent is a Government employee and the salary was disbursed through electronic clearance system. While so, she made false allegations as against the appellants' Management. Therefore, without considering the above said aspects, the Writ Court has passed the impugned order, thereby, the same is liable to be set aside.

4. Heard the appellants' side and perused the entire materials available on record.

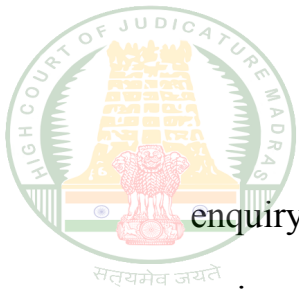
5. In this case, there is no dispute that the 1st respondent was working under the appellants' institution and she was appointed as Secondary Grade Teacher on 07.06.2001 and she joined the religious institution when she was at the age of 15 years and continued her studies from being there and she became a nun in the year 1996. Due to some misunderstanding between the 2nd appellant and the 1st respondent, she made request for job protection through a letter dated 13.06.2017. Thereafter, she was issued with a Show Cause Notice and the same was replied by the 1st respondent. Thereafter, a Charge Memorandum was issued to the 1st respondent on 21.09.2017 by the 2nd appellant and the same was also suitably replied. Thereafter, a domestic enquiry was conducted and the 1st respondent was placed under suspension.



W.A. No.2440 of 2023

WEB COPY

6. In the domestic enquiry proceedings, the 1st respondent had not participated and the enquiry was conducted exparte and as per the enquiry report, the charges against the 1st respondent were proved. Thereafter, the appellants passed an order by dismissing the 1st respondent from service through an order dated 31.05.2018. Since the enquiry was conducted in the absence of 1st respondent, the Writ Court passed the order by holding that *the records would show that there was some misunderstanding between the 1st respondent and the second appellant while they were discharging their roles as Headmistress and Correspondent respectively.... she did not participate in the disciplinary proceedings conducted by the third party Enquiry Officer. As the enquiry was conducted exparte, the order of punishment was also passed exparte. Therefore, an opportunity should be given to the 1st respondent to cross examine the witness examined on the side of the Management in order to disprove the charges framed against her. The 1st respondent has got problem only after she left the religious life and opted to work as a lay teacher. The 2nd appellant continues to be in the Convent could not have taken it lightly and the 1st respondent was also not found to be comfortable to participate in the enquiry. Therefore, in order to give an opportunity to cross examine the witnesses, it is appropriate to seize the matter and pass a fresh order.* The above said findings are well reasoned and justifiable. Since the



W.A. No.2440 of 2025

enquiry proceedings were conducted in the absence of the 1st respondent and major punishment was also imposed by dismissing the 1st respondent from service, the Writ Court has passed a reasoned order and the same is in accordance with law and it does not warrant interference by this Court though this appeal. Therefore, the Writ appeal has no merits and deserves to be dismissed.

7. With the above observations, this Writ Appeal is dismissed. The appellants are hereby directed to reinstate the 1st respondent within **2 (two) weeks from the date of receipt of a copy of this order, failing which, the 1st respondent is at liberty to take coercive steps against the appellants. The 1st appellant has to complete the enquiry within 3 months from the date of receipt of a copy of this order without any delay.** There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.S.K.J.) & (P.D.B.J)

18.08.2025

Index : Yes/No
Speaking order/non-speaking order
mjs

To

7/9



W.A. No.2440 of 2025

1. The District Elementary Education Officer,
Nilgiris, Kothagiri - 643 217.

2. The Assistant Elementary Education Officer,
Nilgiris, Kothagiri - 643 217.

3. The Additional Assistant Elementary Education Officer,
Nilgiris, Kothagiri - 643 217.

R. SURESH KUMAR,J

and

P.DHANABAL,J

mjs

W.A. No.2440 of 2025



WEB COPY



W.A. No.2440 of 2025

18.08.2025