



W.A(MD)No.2049 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.2049 of 2023
and
C.M.P(MD)No.16362 of 2023**

- 1.The State represented by
The Principal Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.
- 2.The Director of State Council
for Education Research and Training,
DPI Compound, College Road,
Chennai – 600 006.
- 3.The Principal,
District Institute of Education
and Training,
Vanaramutti,
Tuticorin District.

... Appellants /
Respondents 1 to 3

Vs.

- 1.S.Nagaretnam
- 2.Valliamaiyar Hindu Teachers
Training Institute,

... 1st Respondent /
Writ Petitioner



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Represented by its Secretary,
Kulaseharanpattinam – 628 206,
Tuticorin District.

... 2nd Respondent /
4th Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 02.08.2022 made in W.P(MD)No.6470 of 2019 and above the Wit Appeal.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondents : Mr.E.V.N.Siva for R.1

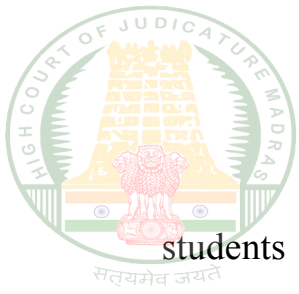
Mr.G.Prabhu Rajadurai for R.2

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

Heard both sides.

2.The first respondent herein was working as a Principal in the second respondent teacher training institute. The salary in respect of the writ petitioner was partly covered by the grant disbursed by the Government. It is stated that 1/3rd of her salary was met out of the grant funds. While so due to dwindling strength, the Teacher Training institute virtually become dysfunctional since 2017. The Government also stopped paying grant on account of inadequate



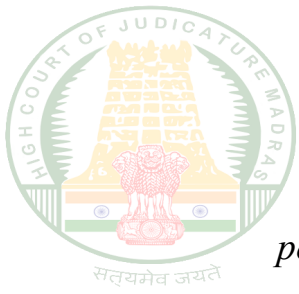
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students strength. In these circumstances, the Management issued order dated

08.03.2019 relieving the writ petitioner from service. Challenging the same, the writ petitioner filed W.P(MD)No.6470 of 2019. The writ petition was allowed by the learned single Judge vide order dated 02.08.2022 in the following terms:

“5. In the instant case, the fourth respondent Institute, in contemplation of the prior approval of the educational authorities for closure of their Institute, had prematurely retrenched the petitioner herein from the post of Principal. This retrenchment is opposed to the procedure contemplated under Section 26, as well as the Government letter, dated 04.02.2019. In other words, when the fourth respondent intended to close down their Institute, they ought to have re-deployed the petitioner to any other Institute under their own corporate management or when such arrangement is not feasible, to other Institutes. Both these procedures have been violated and therefore, the impugned order, dated 08.03.2019, retrenching the services of the petitioner, cannot be sustained.

6. Accordingly, the impugned order, dated 08.03.2019, on the file of the fourth respondent is quashed. Consequently, there shall be a direction to the fourth respondent herein to submit a fresh proposal to the second respondent herein for deploying the petitioner, as well as any other surplus teachers of their Institute, seeking for prior approval of closure of the School, as well as for re-deployment of the services of the



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petitioner to other Institutes, as contemplated under Section 26 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of such a proposal, the second respondent herein shall forthwith pass appropriate orders on the request for approval of the closure of the fourth respondent Institute, as well as for re-deployment of the petitioner to other Institutes, in conformity with the procedure contemplated under the provisions of the Tamil Nadu Private Schools (Regulation) Act. Such final orders shall be passed, at least within a period of eight (8) weeks from the date of receipt of the proposal.”

Questioning the same, the Department has filed this Writ Appeal and not the School Management.

3.The learned counsel appearing for the writ petitioner relying on Section 26 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 contended that a retrenched teacher is eligible for absorption in some other institution.

4.Section 26 of the said Act reads as follows:

“26. Absorption of teachers or other persons on retrenchment



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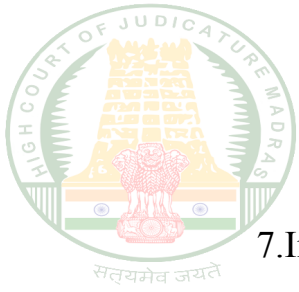
Where any retrenchment of any teacher or other person employed in any private school is rendered necessary consequent on any order of the Government relating to education or course of instruction or to any other matter, it shall be competent for the Government or the school committee of any private school to appoint such teacher or other person in any school or institution maintained by the Government or in such private school, as the case may be.”

A careful reading of the aforesaid provision leads us to come to the conclusion that it would kick in where any retrenchment has been rendered necessary.

5.In this case, the Management has chosen to relieve the writ petitioner primarily for three reasons.

- a) There is inadequate students strength;
- b) The institution has become virtually dysfunctional since 2017; and
- c) There is no sanction or disbursement of Government grant. Therefore, the Management cannot be faulted for relieving the writ petitioner.

6.In our view, quashing the said order was absolutely incorrect. Secondly, Section 26 only enables the Government to redeploy a retrenched teacher. There is no right as such given to the teacher concerned. In Tamil Nadu, there are a number of institutions similar to that of the second respondent. The writ petitioner alone cannot be given any preference.



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7. In this view of the matter, we set aside the order of the learned single

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Judge. We leave it to the wisdom of the Government to take note of the condition of the writ petitioner as well as that of similarly placed persons and take a call accordingly. Such a decision shall be taken within a period of twelve weeks from the date of receipt of a copy of this order. The decision shall also be duly communicated to the writ petitioner.

8. This Writ Appeal is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
20.06.2025

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

To

The Secretary,
Valliamaiyar Hindu Teachers
Training Institute,
Kulaseharanpattinam – 628 206,
Tuticorin District.



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