

W.A.(MD)Nos.710 & 711 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.06.2025

CORAM

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

**W.A.(MD)Nos.710 & 711 of 2025
and
C.M.P.(MD)Nos.6549 & 6551 of 2025**

WA(MD)No.710 of 2025 : -

R.Kumaresa Pandian

... Appellant

Vs.

- 1.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.
- 2.The District Educational Officer,
DEO Office Campus,
Paramakudi – 623 707.
- 3.The Secretary, KHN Secondary School,
Perunazhi – 623 115,
Ramnad District.

... Respondents



W.A.(MD)Nos.710 & 711 of 2025

Prayer : Writ Appeal filed under Clause XV of Letters Patent to set aside the order passed in WP(MD)No.19473 of 2018 dated 27.11.2024 on the file of this Court.

WA(MD)No.711 of 2025 : -

R.Kumaresa Pandian

... Appellant

Vs.

1.The Chief Educational Officer,
Ramanathapuram, Ramanathapuram District.

2.The District Educational Officer,
DEO Office Campus, Paramakudi – 623 707.

3.The Secretary, KHN Secondary School,
Perunazhi – 623 115, Ramnad District.

4.P.Murugesu Nadar, The Secretary,
KHN Higher Secondary School,
Perunali – 623 115, Ramnad District.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent to set aside the order passed in WP(MD)No.25486 of 2019 dated 27.11.2024 on the file of this Court.

In both cases : -

For Appellant : Mr.T.Lajapathi Roy, Senior Counsel
for M/s.Roy and Roy Associates

For Respondents : Mr.C.Venkateshkumar,
Special Government Pleader for R1 & R2

Mr.N.Dilipkumar for private respondents



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JUDGMENT

(By G.R.SWAMINATHAN, J.)

The appellant Kumaresa Pandian was working as Junior Assistant in KHN Higher Secondary School, Perunazhi, Ramanad District. The school management suspended him vide order dated 30.07.2018 for a period two months. Challenging the same, Kumaresa Pandian filed WP(MD)No.19473 of 2018. Charge memo was issued and enquiry was also concluded. Finally, the management dismissed him vide order dated 18.12.2018. Challenging the dismissal order, he filed WP(MD)No.25486 of 2019. Both the writ petitions were heard together. The learned Single Judge dismissed WP(MD)No.19473 of 2018 as infructuous. As regards WP(MD)No.25486 of 2019, competent authority, namely, the CEO of Ramnad was directed to take a decision on the proposal made the school management. Questioning the same, these writ appeals have been filed.

2.The learned Senior Counsel appearing for the appellant reiterated the grounds of appeal and called upon this Court to set aside the order of the learned Single Judge and grant relief as prayed for.



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3.Per contra, the learned counsel appearing for the school management submitted that the conduct of the appellant left much to be desired. He submitted that the appellant had allegedly taken bribe from a parent and that has entered the school premises and that this was captured in the CCTV also. The management decided to dismiss the appellant from service. Proposal was submitted to the department for granting approval on 28.11.2016. The department appeared to have sat over the proposal. Kumaresa Pandian created ruckus in the school campus and also assaulted the headmaster and for this disciplinary action was initiated against him. The appellant was dismissed from service on 18.12.2018.

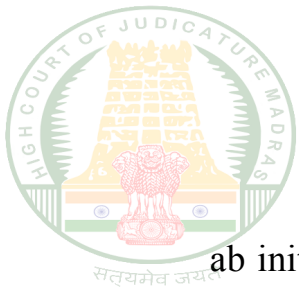
4.The learned counsel for the school management pointed out that the said order itself concluded with a categorical statement that it was subeject to the approval of the department. According to him, since the appellant had not reported for duty subsequently, the question of paying the salary for the intervening period does not arise at all. He called upon this Court to apply the principle of “no work, no pay”. He however contended that it is the department that should be blamed because it had



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not expeditiously disposed of the proposal submitted by the school management. He pointed out that the learned Single Judge after all directed the competent authority to take a decision in the matter and that the order of the learned Single Judge does not call for interference. He sought for dismissal of these writ appeals. The learned Special Government Pleader appearing for the official respondents left the matter to the discretion of this Court.

5.We carefully considered the rival contentions and went through the materials on record. Kumaresa Pandian, the appellant herein, was admittedly working in a non-teaching post in an aided non-minority institution. He could not have been dismissed from service without the prior approval of the competent authority. Section 22 of the Tamil Nadu Recognized Private School (Regulations) Act states that no order of dismissal can be passed without the prior approval of the competent authority. The Division Bench of this Court in the decision reported in **2002 (4) CTC 129 (R.V.Thevar Memorial Girsl High School v. The Director of School Education)** had held that if prior approval had not been obtained before termination, the said termination is illegal and void



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ab initio. In this case, the school management ought to have submitted the proposal to the department dismissing the appellant and it should not have been communicated to the appellant. Having done so, it is too much on the part of the school management to expect him to report for duty. Even though the department ought to have disposed of the proposal, the management could have taken steps to get approval. Instead of doing so, the management dismissed the appellant vide order dated 18.12.2018.

6.In these circumstances, respectfully following the ratio laid down in the decision reported in **2002 (4) CTC 129 (R.V.Thevar Memorial Girsl High School v. The Director of School Education)**, we have no hesitation to set aside the order dated 18.12.2018 passed by the school management. It is well settled that an order of suspension can hold only for a period of four months. In this case, the management did not obtain extension of the suspension order after the initial period of two months. Therefore, Kumaresa Pandian should be deemed to have been reinstated on the expiry of two months from 30.07.2018. We are of the view that the learned Single Judge though had referred to Section 22 of



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the Act, failed to give full effect to the same. The order passed by the learned Single Judge is set aside. These writ appeals are allowed. We make it clear that it is the management that was at fault shall take the financial liability. The school management is directed to disburse the appellant's arrears of salary and all other attendant benefits within a period of eight weeks from the date of receipt of copy of this order. Connected miscellaneous petitions are closed.

(G.R.S. J.) & (K.R.S. J.)
13.06.2025

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

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