



W.P.(MD)No.7962 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7962 of 2025
and
WMP (MD) No.6001 of 2025

P.Indumathy

: Petitioner

Vs.

1. The Director of School Education,
DPI Complex,
College Road,
Chennai.

2. The Chief Educational Officer,
Alagarkoil Road,
Thallakulam,
Near Post Office,
Madurai - 2.

3. The District Educational Officer,
Melur,
Madurai District.

4. The Secretary,
Sri Meenakshi Sundareswarar Girls
Higher Secondary School,
Madurai.

5. The Headmistress,
Sri Meenakshi Sundareswarar Girls



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Higher Secondary School,
Madurai.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 4th respondent relating to the impugned charge memo in Sa.Mu.Na.Ka.No.1800A/2023/AA3-1, dated 01.03.2025 and quash the same and consequently direct the fourth respondent to promote the petitioner as Headmistress of the Sri Meenakshi Sundareswarar Girls Higher Secondary School, Madurai by considering the representation of the petitioner dated 19.07.2024.

For Petitioners : Mr.K.Chellapandian, Senior Counsel
for Mr.A.K.Baskarapandian

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R1 to R3
Mr.V.R.Shanmuganathan for R4 & R5

ORDER

The writ petition has been filed challenging the charge memo passed by the fourth respondent dated 01.03.2025 and consequently, to direct the fourth respondent to promote the petitioner as Headmistress of the Sri Meenakshi Sundareswarar Girls Higher Secondary School, Madurai by considering the representation of the petitioner dated 19.07.2024.



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2. The case of the petitioner is that she was appointed as 'Post Graduate Assistant (Botany)' on 20.02.2001 at Sri Meenakshi Sundareswarar Girls Higher Secondary School, Madurai, managed by the HR & CE Department of Tamil Nadu. Seeking promotion to the post of Assistant Headmistress based on seniority, she filed W.P.(MD) No.3732 of 2017, which was allowed on 03.07.2017, but the order was challenged by one S.Sumathi in W.A.(MD) No.1043 of 2017, wherein, the Division Bench, by judgment dated 10.04.2018, remanded the matter to the Writ Court. Meanwhile, the petitioner was appointed as Assistant Headmistress on 02.08.2017. Upon the retirement of the Headmistress on 31.05.2018, she was made Assistant Headmistress in charge. The said Sumathi then filed W.P.(MD) No.16214 of 2018 seeking evaluation of candidates for Headmistress based on merit and eligibility. This Court, on 25.07.2018, directed that both Sumathi and the petitioner shall be considered under Rule 15(4) of the Tamil Nadu Recognized Private Schools Regulation Rules. Subsequently, a charge memo dated 01.03.2025 was issued to the petitioner, which she contends was intended to defeat her claim to promotion, leading to the filing of the present writ petition challenging the said memo.



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3. Mr.K.Chellapandian, the learned Senior Counsel appearing for the petitioner, submitted that the impugned charge memo dated 01.03.2025 was issued by the third respondent without jurisdiction, as contemplated under Rule 29 of the Tamil Nadu Private Schools (Regulation) Rules, 2023. The school committee is the competent authority to initiate disciplinary proceedings and impose penalties on teaching and non-teaching staff. On this ground of lack of authority, the learned Senior Counsel sought quashing of the impugned charge memo.

4. Per contra, the learned Additional Government Pleader for the respondents 1 to 3 as well as the learned counsel for the respondents 4 and 5 submitted that nine charges have been framed against the petitioner, alleging violations of the Conduct Rules under the Tamil Nadu Aided Private Schools Act, 2018 and Rules 36(2)(i) and 36(2)(ii) of the Tamil Nadu Private Schools (Regulation) Rules, 2023. They argued that the impugned charge memo is merely a preliminary step seeking the petitioner's explanation and instead of responding, the petitioner has prematurely approached the Court. Therefore, they sought dismissal of the writ petition as not maintainable at this stage.



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5. Heard the learned counsel for the parties and perused the materials available on record.

6. Upon consideration of the submissions made by both sides and the materials placed on record, it is evident that the impugned charge memo dated 01.03.2025 has been issued by the third respondent, who is not the competent authority under law. As per Rule 29 of the Tamil Nadu Private Schools (Regulation) Rules, 2023, the power to initiate disciplinary proceedings and impose penalties against teaching and non-teaching staff vests exclusively with the school committee. The issuance of the charge memo by an authority lacking jurisdiction renders the same legally unsustainable. Allegations, by themselves, cannot form the basis for a valid charge memo unless they are backed by some *prima facie* material. The absence of such supporting material indicates that the charge memo is not only procedurally flawed but also arbitrary. Though the respondents have contended that the memo is a mere initiation of proceedings, the foundational requirement of jurisdiction cannot be bypassed. Therefore, the impugned charge memo, having been issued in contravention of the statutory framework, is liable to be quashed.



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7. In the result, this Writ Petition is allowed with the following directions:

(i) the impugned charge memo dated 01.03.2025, is hereby quashed; and

(ii) the fourth respondent is directed to promote the petitioner as Headmistress of the Sri Meenakshi Sundareswarar Girls Higher Secondary School, Madurai based on her representation dated 19.07.2024, and as per report of the then Secretary in Na.Ka.No. 720/2023/A3.

There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

18.07.2025

Index : Yes / No

Internet : Yes / No

PKN



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