



W.A.(MD)Nos.1576 to 1578 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.10.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)Nos.1576 to 1578 of 2021

and

C.M.P(MD)Nos.6622, 6623 and 6624 of 2021

M/s.Senaial Kalaimagal High School,
Rep.by its Secretary, M.Mariappan,
Erachi, Kovilpatti Taluk,
Thoothukudi District.

...Appellant in all appeals

/Vs./

1.R.Selvaraj

2.The Chief Educational Officer,
Thoothukudi-628 002, Thoothukudi.

3.The District Educational Officer,
V.O.C., School Campus,
Kovilpatti, Thoothukudi District.

4.S.Sankaran

... Respondents in W.A.(MD)No.
1576 & 1578 of 2021

1.The Chief Educational Officer,
Thoothukudi-628 002, Thoothukudi.

2.The District Educational Officer,
Kovilpatti, Thoothukudi District.



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4.R.Selvaraj

... Respondents in W.A.(MD)No.
1577 of 2021

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COMMON PRAYER:- Writ Appeal - filed under Clause 15 of the Letters Patent, to set aside the order of this Court in W.P.(MD)No.16588 of 2019 & 24571 and 23280 of 2018 dated 30.03.2021.

In W.A.(MD)No.1576 & 1578 of 2021:

For Appellants : Mr.S.Sivailayaraja
For Respondents : Mr.J.Ashok (R2 & R3)
Additional Government Pleader
Mr.Manishkumar
for M/s.Ajmal Associates (R1)
No Appearance (R4)

In W.A.(MD)No.1577 of 2021:

For Appellants : Mr.S.Sivailayaraja
For Respondents : Mr.J.Ashok (R1 & R2)
Additional Government Pleader
Mr.Manishkumar
for M/s.Ajmal Associates (R3)

JUDGMENT

(Judgment of the Court was delivered by **C.KUMARAPPAN, J.**)

The appellant in all these appeals herein was the writ petitioner in W.P.(MD)No.24571 of 2018 and the third respondent in W.P.(MD)Nos. 16588 of 2019 and 23280 of 2018.



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2.W.P.(MD)No.24571 of 2018 was filed for a writ of mandamus to consider the representation dated 23.10.2018 submitted by the petitioner therein, which is the request relating to the extension of order of suspension of one Mr.R.Selvaraj. The other two writ petitions in W.P.(MD)Nos.23280 of 2018 and 16588 of 2019 were filed by Mr.Selvaraj, who was the Teacher in the appellant School for a writ of mandamus to pay the salary and challenging the punishment imposed against him, respectively.

3.The learned counsel for the writ petitioner in W.P.(MD)No. 24571 of 2018 would submit that the learned Single Judge dismissed the writ petition filed by the School on the sole ground that there is violation of Section 22(3)(b) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 (hereinafter referred to as 'Act'). The learned counsel for the appellant in all these appeals invited the attention of this Court to the letter dated 23.10.2018 requesting the District Educational Officer to approve the extension of suspension order passed against the petitioner in W.P.(MD)Nos.23280 of 2018 and 16588 of 2019.



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4.The learned Additional Government Pleader would submit that according to Section 22 (3) (b) of the Act, the order of punishment and extension of suspension beyond the period of two months shall be made with prior approval of the competent authority. In the case in hand, the District Educational Officer is the competent authority. It is the submission of the learned Additional Government Pleader that no prior approval was obtained by the appellant before issuing the extension of suspension order and before imposing punishment.

5.At this juncture, we deem it appropriate to extract Section 22(3) (b) of the Act, which reads as follows:

“22....

(3)(a)

(b)No such suspension shall remain in force for more than a period of two months from the date of suspension and if such inquiry is not completed within that period, such teacher or other person shall, without prejudice to the inquiry, be deemed to have been restored as teacher or other employee:

Provided that the competent authority may, for reasons to be recorded in writing, extend the said period of two months, for a further period not exceeding two months, if in the opinion of such competent authority, the inquiry could not be completed within the said period of two months for reasons directly attributable to such teacher or other person.”



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6.Mere reading of the above section makes it clear that the imposition of punishment, and extension of suspension without the approval of the competent authority is illegal. The learned Single Judge has relied upon the judgments of this Court reported in the case of ***V.Thiyagarajan vs. The Director of School Education, Chennai and others [(2011) 6 MLJ 467]*** and in the case of ***Tamilavel Uma Maheswaranar Karanthai Arts College, Thanjavur vs. State of Tamil Nadu and others [(2012) 2 CWC 432]***, wherein this Court has categorically held that prior approval is mandatory and would further emphasize that such prior approval is not mere a formality.

7.In the case in hand, admittedly before imposing punishment and extension of suspension, admittedly, the appellant did not get any prior approval. Therefore, as rightly observed by the learned Single Judge, the suspension order becomes redundant and the petitioner in W.P. (MD)Nos.23280 of 2018 and 16588 of 2019 would be entitled to rejoin duty. The very conduct of the appellant by merely forwarding the letter seeking approval for extension of suspension cannot be termed as requisite prior approval. Therefore, the extension of suspension also becomes illegal.



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8. Therefore, we absolutely do not find any infirmity in the orders passed by the learned Single Judge. Accordingly, the present writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[A.S.M.J.] & [C.K.J.]
16.10.2025

Index : Yes/No
Internet : Yes
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To

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