

WP(MD).No.9070 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.06.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K. RAJASEKAR**

W.P.(MD)No.9070 of 2019 and
WP(MD).Nos.7058 and 7059 of 2019

Arul Regina Mary

.. Petitioner

Vs.

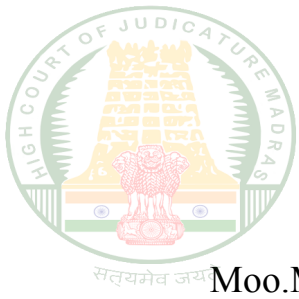
1. The District Educational Officer,
Office of the District Educational Officer,
Sivakasi.

2.The Block Educational Officer -2,
Office of the Block Educational Officer,
Maharajapuram at Watrap,
Virudhunagar District.

3.The Correspondent,
R.C.Primary Shool,
Ayyanathampatti,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 1st respondent in



WP(MD).No.9070 of 2019

WEB COPY

Moo.Mu.No.2697/A3/2018, dated 04.09.2018 and quash the same as illegal and further direct the 1st and 2nd respondent to conduct fresh enquiry with respect to alleged resignation of the petitioner and pass orders within the time stipulated by this Court.

For Petitioner : Mr.S. Karthick Subramanian
For Respondents 1 &2 : Mr.N. Satheesh kumar
Additional Public Prosecutor
For 3rd respondent : Mr.V. John Kennedy
for M/s. Father Xavier Associates

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order passed by the 1st respondent in Moo.Mu.No. 2697/A3/2018, dated 04.09.2018 and quash the same and consequently, direct the respondents 1 and 2 to conduct fresh enquiry with respect to alleged resignation of the petitioner and pass orders within the time stipulated by this Court.

2. The case of the petitioner is that she was originally appointed as



WP(MD).No.9070 of 2019

WEB COPY

a Secondary Grade Teacher during the academic year 2007 - 2008 in the 3rd respondent school. Subsequently, she was not able to continue her employment due to the dispute with the management. She has stated in the affidavit that she had been harassed by the 3rd respondent / management and she has been forcibly evicted from the school in the year 2008. After a decade i.e., on 02.08.2018 she had received a letter from the 1st respondent / District Educational Officer stating that she had sent a resignation letter dated 03.09.2009 and she was called upon to attend the enquiry for approving the resignation. Letter called upon for an enquiry was received by the petitioner belatedly, after the date fixed for enquiry, hence, she could not appear before the 1st respondent on the time stipulated in the call letter. Then, it was stated that another call letter was sent to the petitioner, but the same was not received by her. However, the petitioner came to know that the first respondent has accepted her resignation, subsequently, new person has also been appointed and the proceeding has also been issued by the first respondent. Aggrieved with the said acceptance of the resignation letter, the petitioner has come out with the present Writ Petition to set aside the impugned order, dated 04.09.2018 passed by the first respondent.



WP(MD).No.9070 of 2019

WEB COPY

3. The learned counsel appearing for the petitioner submitted that the petitioner has not submitted any resignation letter to the school Management and the letter of resignation was received from her forcibly by threatening her with dire consequences and the same was also stated to the first respondent during enquiry. But, without considering her grievance and accusation, the first respondent has recorded the resignation by the impugned order, dated 04.09.2018 and hence, the same has to be set aside.

4. The learned counsel appearing for the first respondent submitted that due procedures contemplated under Section 17(A) of the Tamil Nadu Private schools (Regulation) Rules, 1973, has been properly followed and after, due enquiry the impugned order has been passed by the first respondent. Hence, there is no reason to interfere with the same.

5. The learned counsel appearing for the 3rd respondent submits that the petitioner after submitting her resignation letter in the year 2009, she left the school voluntarily and there is no eviction as stated by the petitioner. Immediately, after receiving the resignation letter from the



WP(MD).No.9070 of 2019

WEB COPY

petitioner, the same was forwarded to the authorities for granting approval under Sections 17(A) of the Tamil Nadu Private Schools (Regulation) Rules, 1973 and the same was rejected by the authorities. Hence, the post was not filled and was kept vacant for a long period. Subsequently, in the year 2018 in the interest of the student, they have accommodated another teacher by deploying from another school and the management has not appointed any new teacher in the place. At that point of time, the authorities have been approached for appointing of another person and the resignation of the petitioner was also intimated. The resignation letter of petitioner was considered and after due enquiry, the orders were passed.

6. I have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

7. Admittedly, the petitioner, who was left the school from the year 2009 has not made any complaint to the authorities against the management. Per contra, when the authorities have started for conducting enquiry, the petitioner has come forward with the letter



WP(MD).No.9070 of 2019

WEB COPY

communication stating that she had not sent any resignation letter. On perusal of the impugned proceedings it is seen that after receiving the petitioner's reply, dated 03.08.2018 yet another opportunity has also been afforded to her to appear and clarify her stand, but, she had not appear and hence, the impugned order has been passed by the first respondent stating the petitioner resigned her job on her own.

8. The records produced before me also shows that immediately after resignation of petitioner in the year 2009, the management has attempted to get approval for the resignation of the petitioner as per 17(A) of the Tamil Nadu Private schools (Regulation) Rules, 1973, but the same had been rejected by the authorities on the ground that there was no reason for the resignation. The school management while deciding to accommodate the post by transferring the teacher, once again they have sent a resignation letter of the petitioner for approval and after due enquiry, order has been passed. Though the petitioner has denied that she had submitted a letter of resignation, there is no material or facts were established by her before the authorities that the resignation letter produced by the Management before the authorities is a fabricated one.



WP(MD).No.9070 of 2019

WEB COPY

9. Admittedly, after 2009, she had not taken any step to record any protest or taken any step to resume her employment. Only after passing of impugned order in the year, 2018 she woke up and claimed that, the resignation letter submitted by her is a fabricated one and her conduct raise presumption against her that, she has given up her right of employment. In other words her conduct supports the case of the management that the petitioner has not shown any interest to continue her employment and probalize the fact that she had resigned the post.

10. In these circumstances, the petitioner is not entitled to claim any relief as claimed in the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

12.06.2025

Index: Yes/No
Internet : Yes/No
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WP(MD).No.9070 of 2019

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