



W.P.(MD)No.16568 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16568 of 2025

and

W.M.P.(MD)Nos.12590 and 12591 of 2025

J.Nirmal Shobana

... Petitioner

-VS-

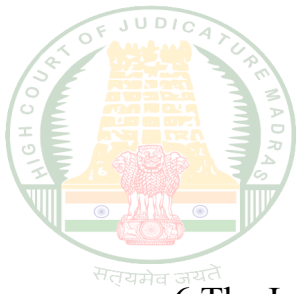
1.The Director of School Education,
DPI Campus, College Road, Chennai – 6.

2.The Joint Director of Higher Secondary School
Education (Aided School Scheme),
DPI Campus, College Road,
Chennai – 6.

3.The Chief Educational Officer,
O/o. CEO, Tenkasi, Tenkasi District.

4.The District Educational Officer,
O/o. the District Educational Officer,
Tenkasi, Tenkasi District.

5.The Secretary,
Hindu Nadar Uravinmurai Committee Higher
Secondary School, T.N.Pudukkudi,
Puliyangudi 627 855, Tenkasi District.



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6. The Internal Enquiry Officer,
Hindu Nadar Uravinmurai Committee Higher
Secondary School, T.N.Pudukkudi,
Puliyangudi 627 855, Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertains to the impugned order dated 25.03.2025 passed by the fourth respondent in Na.Ka.No. 5343/A3/2024, directing the authorities to conduct a re-enquiry and set aside the same and further direct the respondents 4 and 5 to reinstate the petitioner on her original post as her removal from service is outrightly bad in law.

For Petitioner	:	Mr.V.Rajiv Rufus
For R1 to R4	:	Mr.M.Siddharthan Additional Government Pleader
For R5	:	Mr.V.Meenakshi Sundaram

ORDER

This Writ Petition has been filed challenging the impugned order passed by the fourth respondent in Na.Ka.No.5343/A3/2024, dated 25.03.2025, directing a re-enquiry and to set aside the same. The petitioner further seeks a direction to the respondents 4 and 5 to reinstate her in her original post, as her removal from service is wholly unsustainable and bad in law.

2. The learned counsel for the petitioner submits that the petitioner has been serving as a Zoology Teacher at the fifth respondent's school since



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30.10.2017. She was unlawfully dismissed on 03.02.2024 by the school management (fifth respondent) based on false and malicious allegations without following due process. Challenging the dismissal, the petitioner filed W.P. (MD)No.25635 of 2024. This Court, by order dated 28.10.2024, directed the petitioner to avail the statutory remedy under Section 41 of the Tamil Nadu Private Schools (Regulation) Act, 2018. This Court also directed that if such appeal was filed on or before 20.11.2024, the same should be disposed of on or before 31.03.2025.

3. The learned counsel for the petitioner further submits that the petitioner filed her statutory appeal before the fourth respondent on 18.11.2024, enclosing a request for attested copies of the enquiry documents and exhibits relied upon by the management for her dismissal. These documents were crucial for her effective defence in the appeal. Despite representations dated 18.11.2024 and 28.11.2024, the fifth respondent failed to provide complete documentation. This compelled the petitioner to approach this Court once again in W.P.(MD)No.1966 of 2025. By order dated 24.01.2025, this Court directed the fifth respondent to provide the documents. However, only partial compliance was made and certain documents still withheld, despite repeated follow-ups by the petitioner.

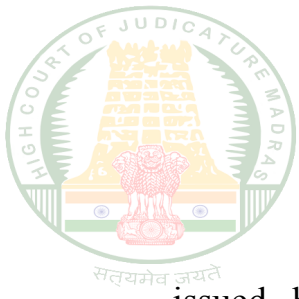


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4. The learned counsel for the petitioner also submits that despite the appeal being pending and the petitioner awaiting communication, the fourth respondent, without proper consideration of the petitioner's submissions and the cybercrime police report, which exonerated her of the key allegation regarding alleged question paper leakage, passed the impugned order dated 25.03.2025. The said order unjustly directed a re-enquiry, without setting aside the improper initial dismissal. The fourth respondent's action, without affording the petitioner a reasonable opportunity to present her full defence supported by documents and the cybercrime clearance report, violates fundamental principles of natural justice and statutory protections afforded under the Tamil Nadu Private Schools (Regulation) Act. Therefore, the learned counsel for the petitioner submits that the impugned order dated 25.03.2025 passed by the fourth respondent, is arbitrary, contrary to law and liable to be set aside. It is further submitted that the respondents 4 and 5 be directed to reinstate the petitioner in her original post, as her dismissal is patently unsustainable in law and fact.

5. The learned counsel for the fifth respondent School submits that the present writ petition is not maintainable, as the impugned order dated 25.03.2025,



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issued by the fourth respondent directing a re-enquiry, has already been challenged by the fifth respondent School in W.P.(MD)No.11111 of 2025. This Court, by a reasoned order dated 22.04.2025, dismissed the writ petition filed by the school and refused to interfere with the impugned order of the fourth respondent. This Court, after perusing the entire records, made the following observations:-

"2. On perusal of the record, it appears that the petitioner levelled three charges against the fifth respondent on 26.01.2024. The fifth respondent submitted her explanation on 29.01.2024. Thereafter, the petitioner school framed three additional charges against the fifth respondent. Thereafter, an enquiry Officer was appointed and he conducted an enquiry. Subsequently, based on the enquiry report, the fifth respondent was removed from service by the petitioner on 03.02.2024. Against the removal order of the petitioner, the fifth respondent preferred an appeal before the fourth respondent. Considering the appeal filed by the fifth respondent, the fourth respondent come to an opinion that the enquiry is not properly conducted. Accordingly, the fourth respondent directed to conduct re-enquiry by its order, dated 25.03.2025. Against the said order, the petitioner school filed this writ petition.

3. On careful examination of the order impugned in this writ petition, it appears that the fourth respondent while passing the impugned order has considered the entire issue comprehensively and



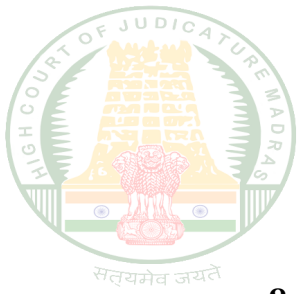
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pass reasoned order to direct the petitioner to conduct re-enquiry, in the considered opinion of this Court, there is no irregularity or infirmity in the order passed by the fourth respondent. In the opinion of this Court, no prejudice will be caused to the petitioner school if re-enquiry is conducted, as per the direction of the fourth respondent. The fifth respondent also will have fair opportunity to participate in the enquiry.

4. In view of the same, this Court is not inclined to interfere into the order impugned in this writ petition."

6. The learned counsel submits that, in the light of the above decision, the present writ petition is barred by principles of *res judicata* or at the very least, amounts to re-litigation of an issue that has already been adjudicated by this Court in a prior proceeding between the same parties.

7. The learned counsel further submits that, in compliance with this Court's direction, the fifth respondent School has since conducted the re-enquiry and therefore, the present writ petition, which seeks to challenge the same order already upheld by this Court, is not only infructuous but also misconceived.



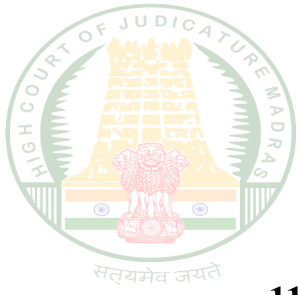
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8. In the light of the submissions made and upon perusal of the records, this Court is of the considered view that the impugned order dated 25.03.2025 issued by the fourth respondent has already been subject to judicial scrutiny in W.P.(MD) No.11111 of 2025, filed by the fifth respondent School. This Court, by order dated 22.04.2025, has upheld the said order and found no infirmity or irregularity warranting interference.

9. It is further noted that the said order has now been acted upon by the concerned authorities and the matter is presently *sub judice* before the competent authority in the course of the re-enquiry proceedings. Therefore, any challenge to the same order, at this stage, is clearly premature. Hence, this Court is of the opinion that the petitioner, if aggrieved by the outcome of the re-enquiry proceedings or any final order passed pursuant thereto, is at liberty to approach this Court by filing a fresh writ petition in accordance with law.

10. The present writ petition, which challenges an order that has already been upheld by this Court and is now under implementation, lacks merit and is accordingly liable to be dismissed.



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11. In view of the above, the writ petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
smn2

20.06.2025

To:-

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DPI Campus, College Road, Chennai – 6.
- 2.The Joint Director of Higher Secondary School
Education (Aided School Scheme),
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