



W.A(MD) No.351 of 2023 & 785 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.06.2025

CORAM

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

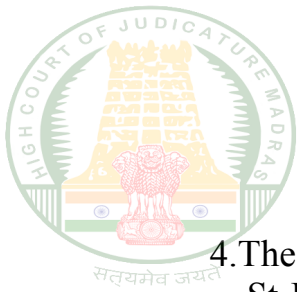
W.A(MD) No.351 of 2023
&
W.A.(MD)No.785 of 2022
&
C.M.P.(MD)No.6705 of 2022

B.Joicy

... Appellant / Writ Petitioner

Vs

- 1.The Director,
Director of School Education,
Chennai.
- 2.The Chief Educational Officer,
Chief Educational Office,
Dindigul,
Dindigul District.
- 3.The District Educational Officer,
District Educational Office,
Dindigul,
Dindigul District.



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4.The Correspondent,
St.Joesphs Girls Higher Secondary School,
Dindigul-624 001,
Dindigul District.

5.The Head Mistress,
St.Josephs Girls Higher Secondary School,
Dindigul-624 001,
Dindigul District.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order of this Court dated 02.06.2022 in W.P. (MD)No.3917 of 2016 on the file of this Court and allow the writ petition as prayed for.

For Appellants : Mr.Isaac Mohanlal
Senior Counsel

For Respondent : Mr.C.Venkatesh Kumar
Special Government Pleader
for R1 to R3

: Mr.T.Antony Arulraj
for R4 & R5



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ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

These two writ appeals, one by the teacher concerned and the other by the school management, are directed against the order dated 02.06.2022 made in W.P.(MD)No.3917 of 2016. B.Joicy appellant in W.A.(MD)No.351 of 2023 was appointed as B.T.Assistant (Maths) in the St.Josephs Girls Higher Secondary School, Dindigul on 04.06.2007. Since the said teacher had to take fertility treatment, she often had to avail leave on loss of pay. The specific stand of the teacher is that the management forcibly obtained resignation letter from her and she was relieved from service on 15.10.2014. It is well settled that such resignation cannot be accepted by the management for the asking. The competent authority in the school education department will have to accord her approval before relieving the teacher concerned. According to the said teacher, the competent authority did not act in terms of Rule 17(A) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974. Hence, she filed W.P.(MD)No.201 of 2016 demanding completion of enquiry in the matter which was initiated in this case. The writ



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petition was disposed of on 06.01.2016. Subsequently, vide order dated 07.02.2016, the District Educational Officer, Dindigul negated the request for reinstatement. Challenging the same, B.Joicy filed W.P. (MD)No.3917 of 2016. The writ petition was disposed of by the learned single Judge on 02.06.2022 in the following terms:-

“6.Heard Mr.M.Subash Babu, the learned counsel appearing for the petitioner, Mr.V.Omprakash, the learned Government Advocate (Civil Side)appearing for the respondents 1 to 3 and Mr.T.Antony Arul Raj appearing for the respondents 4 and 5 and perused the records.

7. The contention of the petitioner is that the disputed letter of resignation for voluntary retirement was obtained by force. As per Rule 17(A) Sub-Clause 3 of Tamil Nadu Recognized Private Schools (Regulation) Rules, no educational agency shall insist or compel any teacher or other person employed in a private school to give at any undated or predated resignation letter. As per Sub-Clause 4 of Rule 17(A) of Tamil Nadu Recognized Private Schools (Regulation) Rules, no teacher or other person employed in a private school shall be relieved from service on the strength of the resignation letter. The resignation letter shall, on receipt, be sent to the Chief Educational Officer concerned in respect of Teacher and other persons employed in High Schools, Higher Secondary Schools and Teachers' training institution and to the District Educational Officer concerned in respect of Teacher and other person employed in a pre-primary, Primary and Middle Schools.



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8. The contention of the petitioner is that the petitioner was employed as BT Assistant in the fourth respondent School. Since it is a Higher Secondary School, Chief Educational Officer ought to enquire into the matter and pass order. In the present case, the District Educational Officer has passed the order, who is not having the power to enquire and pass orders. This plea was refuted by the fourth respondent and submitted that even though the school is a Higher Secondary School, the petitioner was working as a BT Assistant for the Middle School section. Therefore, the District Educational Officer is the competent authority to pass an order.

9. The next contention put forth by the petitioner is that the petitioner was forced to give the resignation letter and on subsequent letter, the signature was not affixed by the petitioner and the petitioner's signature was forged. In this regard, the official respondent ought to have conducted an enquiry. On perusing the records, the official respondents have not clarified whether any enquiry was conducted. According to the petitioner, the official respondents had issued notice to conduct the enquiry and the petitioner appeared before the authority for more than four times and in one occasion, the petitioner submitted a written representation and the official respondents have not conducted any enquiry at all. Especially, the official respondents have not scrutinized or enquired this specific allegation that the petitioner's signature was forged. On perusing the impugned order, it is seen that there is no mention in the impugned order whether any enquiry was conducted after giving proper opportunity and whether the specific allegation of forging of signature was gone into or not.

10. In view of the above, this Court is of the considered opinion that re-enquiry is necessary in this regard. At this juncture,



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the learned counsel for the fourth respondent submitted that already another person namely, Tmt. Hemavathi was appointed in the said post and the said Hemavathi is continuing in service for the past five years and as such, the said person cannot be disturbed. If that is so, the petitioner would be entitled to compensation. In order to ascertain the compensation as well as in order to ascertain whether the signature was forged, the authorities ought to conduct a fresh enquiry.”

As already mentioned, the writ petitioner as well as the school management are on appeal.

2. Rule 17(A) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974 reads as follows:-

“17A. Educational agencies not to obtain compulsorily resignation letter either at the time of appointment or subsequently from the employees in their school. –

(1) Whenever a teacher or other person employed in a private school, tenders his resignation of appointment, he shall inform the fact of his resignation in writing by registered post with acknowledgement due to the District Educational Officer, Inspectress of Girls' School or the Deputy Inspector of Schools concerned.

(2) No teacher or other person employed in a private school shall give to the educational agencies at any time undated or predated resignation letter.

(3) No educational agency shall insist or compel any teacher or other person employed in a private school to give at any time undated or predated resignation letter.



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(4) No teacher or other person employed in a private school shall be relieved from service on the strength of resignation letter. The resignation letter shall, on receipt, be sent to the Chief Educational Officer concerned in respect of teacher and other persons employed in High Schools, Higher Secondary Schools and Teachers' Training Institutes and to the District Educational Officer concerned in respect of teacher and other person employed in a Pre-primary, Primary and Middle Schools. The Chief Educational Officer or District Educational Officer concerned shall, in turn, get the confirmation of the teacher or other person employed, as the case may be, as to the fact of such resignation and then accord his approval to relieve the teacher or other person employed, as the case may be, from service.

(5) Entries regarding the date of acceptance of resignation of appointment shall be made by the Secretary of the school committee, in the Service Registers of the teacher or in the Service Registers of the other persons employed in a private school under proper attestation and duly countersigned by the District Educational Officer or the Inspectress of Girls' Schools, as the case may be.

(6) No substitute shall be appointed in the place of a teacher or other person employed in a private school who has been relieved on the basis of the resignation letter tendered by him, without obtaining prior approval of the Chief Educational Officer concerned in respect of the teacher and other person employed in High Schools, Higher Secondary Schools and Teachers' Training Institutions and the District Educational Officers concerned in respect of teachers and other persons employed in Pre-primary, Primary and Middle Schools.”

3. This issue is no longer *res integra*. One of us sitting singly (GRSJ) vide order dated 02.02.2018 in W.P.(MD)No.21250 of 2015 (S.Sophi Shavrin Aashicka Vs. The Director of Elementary Education)



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had applied the said rule to grant relief. The school management filed

W.A.(MD)No.917 of 2018 before the Hon'ble Division Bench. The

Hon'ble Division Bench vide order dated 14.03.2019 held as follows:-

“9. It is to be seen that Rule 17-A was introduced only to safeguard the interest of the teachers or other persons employed in a private school. It empowers the authorities to ascertain as to whether there was any coercion or compulsion to give resignation. It is not uncommon to note that some private minority institutions, even at the time of appointment of a teacher in their school, get a resignation letter from the teacher concerned. Since teachers are put in jeopardy on several occasions, Rule 17-A was introduced to prevent such practice. Hence, Rule 17-A was introduced as an internal mechanism to AT prevent private schools from getting resignation letter by force. It is seen that 15 ing Rule 1 after introducing Rule 17-A. P the intimation regarding resignation letter of the teacher concerned itself should be sent by the teacher through registered post C with acknowledgement due to the District Educational Officer and Inspectress of Girls' school. No teacher, employed in any private school, is supposed to give a resignation letter at any time either undated or predated. The said Rules also insist the educational agency not to insist or compel any teach teacher or any person employed in a private school to give resignation letter undated or predated.

10.As per Rule 17-A(4) of the Rules, the District Educational Officer cannot act upon such resignation letter of teacher or any person employed in a private school, without getting confirmation from the teacher concerned with regard to the fact that such



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resignation letter was obtained from the teacher concerned. No teacher shall be relieved and no substitute shall be appointed in the place of a teacher without obtaining prior approval from the District Educational officer.”

4. We need to examine if the procedure laid down in the aforesaid rule was complied with in the instant case. We may observe at the very outset that the teacher concerned did not send her resignation letter directly to the department by the registered post. There is nothing on record to show that the competent authority namely the Chief Educational Officer addressed the teacher concerned to obtain her confirmation as to whether she in fact gave her resignation. The letter dated 26.06.2015 whereby approval was accorded for the resignation of B.Joicy reads as follows:-



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திண்டுக்கல் மாவட்ட முதன்மைக்கல்வி அலுவலரின் செயல்முறைகள்

மு.மு.எண் 577/ஆ.2/2015, நாள் .06.2015

பொருள் பணிதிறப்பு - திண்டுக்கல் புனித வளனார் (ம) மேல்நிலைப்பள்ளி, பட்டதாரி ஆசிரியர் (கணிதம்) திருமதி.பி.ஜாய்னி என்பவர் 15.10.2014 முதல் தனது சொந்த விருப்பத்தின் பேரில் - பணிதிறப்பு ஒப்புதல் வழங்குதல் - சார்பு

பார்வை 1. திண்டுக்கல் மாவட்டக்கல்வி அலுவலர் ந.க.எண் 7082/அ.1/2014, நாள் .01.2015
2. திண்டுக்கல் மாவட்டக்கல்வி அலுவலர் ந.க.எண் 2344/2015, நாள் 06.05.2015

திண்டுக்கல் மாவட்டம், புனித வளனார்(ம) மேல்நிலைப்பள்ளி, பட்டதாரி ஆசிரியர் (கணிதம்) பணிபுரிந்த திருமதி. பி.ஜாய்னி என்பவர் தனது பட்டதாரி ஆசிரியர் (கணிதம்) பணியை வலியுறுத்தித் தர 15.10.2014 முற்பகல் முதல் பணிதிறப்பு செய்தது. பார்வையிற்காண் கடிதங்களின்படி உறுதி செய்யப்பட்டுள்ளது.

தனியார் பள்ளிகள் ஒழுங்குபடுத்தும் சட்டம் 1974 விதி 17ன்படி திண்டுக்கல் மாவட்டக்கல்வி அலுவலரின் அறிக்கையின் அடிப்படையில் திருமதி.பி.ஜாய்னி என்பவர் பட்டதாரி ஆசிரியர் (கணிதம்) பணியை 15.10.2014 முற்பகல் பணிதிறப்பு செய்ததற்கு ஒப்புதல் வழங்கப்படுகிறது.

முதன்மைக்கல்வி அலுவலர்,
திண்டுக்கல்

இணைப்பு - பணிப்பதிவேடு

பெறுநர் தாளாளர், புனித வளனார் (ம) மேல்நிலைப்பள்ளி, திண்டுக்கல்

நகல் மாவட்டக்கல்வி அலுவலர், திண்டுக்கல் (ஆசிரியர் பணிப்பதிவேட்டுடன்)

Correspondent
St. Joseph's Girls Higher Secondary School,
Dindigul-624 001.



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5. There is no reference whatsoever to the confirmation said to have been received from the teacher. We therefore set aside the approval proceedings on the ground that there has been a gross breach of the statutory procedure. Applying the principles laid down by the Hon'ble Division Bench in W.A.(MD)No.917 of 2018, dated 14.03.2019, we hold that the department acted illegally in granting approval to the B.Joicy's alleged resignation. It is seen that on the very next day, one substitute was appointed. The learned standing counsel for the school management would point out that since B.Joicy was on medical leave, the person who was originally appointed in the leave vacancy was reappointed. But this again is not in consonance with the Rule 17(A) Clause (6) of Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974.

6. The husband of the teacher is present in person before this Court. The learned senior counsel through the counsel on record on instructions from him submits that the teacher agrees to forego the backwages for which she did not work. We record the said submission.



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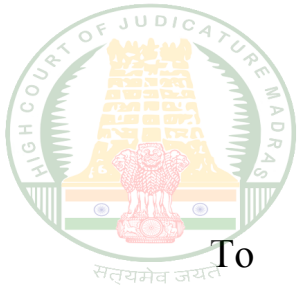
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7. The learned single Judge had rightly set aside the order impugned in the writ proceedings. We go one step further. We also set aside the order dated 26.06.2015 whereby approval was accorded by the CEO, Dindigul to B.Joicy's alleged resignation. The school management shall forthwith reinstate B.Joicy in service. The period from 15.10.2014 till date shall be computed for all other purposes including fixation of pay, seniority, pension and all other attendant service benefits. Of-course, as undertaken by her, she will not get any backwages for this period.

8. W.A.(MD)No.351 of 2023 filed by B.Joicy is allowed. W.A. (MD)No.785 of 2022 filed by St.Josheph Girls Higher Secondary School is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
11.06.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To

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- 1.The Director,
Director of School Education,
Chennai.
- 2.The Chief Educational Officer,
Chief Educational Office,
Dindigul,
Dindigul District.
- 3.The District Educational Officer,
District Educational Office,
Dindigul,
Dindigul District.



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