



W.P(MD)No.19879 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.19879 of 2024

and

W.M.P.(MD)No.16847 of 2024

V.Anusuya

... Petitioner

Vs

1. The District Elementary Educational Officer,
Virudhunagar,
Virudhunagar District.

2. The Block Educational Officer,
Srivilliputhur,
Virudhunagar District.

3. The Secretary,
Mankapuram Hindu Primary School,
Mankapuram, Srivilliputhur Post,
Virudhunagar District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned charge memo dated 31.08.2023 issued by the 3rd respondent Secretary, quash the same.

For Petitioner : Mr.T.Cibichakraborty,

For Respondents : Mr.M.Sarangan (R1-R2)
Additional Government Pleader

: Mr.K.K.Kannan (R3)

ORDER

The petitioner is a teacher working in a non minority aided institution. She was placed under suspension and was also issued with a charge memo. Challenging the same, she has filed the present writ petition.

2.The petitioner, by referring to the proceedings pending between the management and the petitioner from the year 2015 has attributed



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motive for the disciplinary proceedings. Apart from that the petitioner has also taken another plea that the charge memo has been issued by the Secretary of the College, without any resolution of the school committee as contemplated under the Tamil Nadu Private School Regulation Rules, 2023.

3.The learned Counsel for the respondent Management submits that the charge memo has been issued only in pursuance of the decision taken by the Committee. However, the order impugned in this writ petition does not reflect the resolution based on which, the charge memo has been issued.

4.Though the learned Counsel for the School claims that that a resolution has been passed, the same has not been placed before the Court. This writ petition has been entertained by this Court on 20.08.2024 and an order of interim stay has also been granted. Even then, the respondents have not responded to this writ petition by filing any counter affidavit.



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5.As per the Tamil Nadu Private School Regulation Rules, 2023, the Secretary of the School Committee shall function for and on behalf of the educational agency and shall act on the basis of the resolution passed in the meetings of the School Committee. In this regard, the Hon'ble Full Bench in the Principal Seat of this Court has held in the case of ***K.M. Valiyapan vs Joint Director of School Education*** reported in **2006 (4) CTC 471** as under:

“3.3 Under Rule 12(4), an educational agency shall nominate one of the representatives in the Committee as the President. Under Rule 13, the educational agency shall nominate one of its representatives as Secretary of the School Committee. Under Rule 13(3), the Secretary of the School Committee shall function for and on behalf of the School Committee and the educational agency. Under Rule 13(4), the Secretary shall act on the basis of the resolution of the School Committee.

*3.4. **Section 18(c)** empowers the School Committee to take disciplinary action against teachers and other employees of the private school. Under **Section 18(2)**, the educational agency shall be bound by anything done by the school committee in the discharge of its functions and under **Section 18(3)** any decision or action taken by the school committee within the jurisdiction shall be deemed to be the decision or action taken by the educational agency.”*



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6.In view of the above position, this writ petition is allowed. The impugned charge memo is quashed. No costs. Consequently, the connected miscellaneous petition is closed.

02.12.2025

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

LR

To

1. The District Elementary Educational Officer,
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Virudhunagar District.

2. The Block Educational Officer,
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3. The Secretary,
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B.PUGALENDHI, J.

LR

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