



W.P.(MD) No. 22581 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 22581 of 2025

and

W.M.P.(MD) Nos.17698 & 17700 of 2025

S.Kandasamy

... Petitioner

Vs

1. The District Collector,
O/o.The District Collector,
33/11, Kokkila Kulam Road,
Near Science Centre,
Kokkirakulam,
Tirunelveli.

2. The Chief Educational Officer
O/o.The Chief Educational Office,
Tirunelvlei.

3. The District Educational Officer (S.S.E),
O/o.The District Educational Office,
Tirunelveli Junction,
Corporation Commercial Complex,
Thachanallur Wards Office,
Tirunelveli.

4. The Block Educational Officer,



W.P.(MD) No. 22581 of 2025

WEB COPY

O/o. The Block Educational Office,
Ambasamuthram Taluk,
Tirunelveli District.

5. The School Committee President,
Theerthapathy Higher Secondary School,
Ambasamuthram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records related to the impugned orders in Na.Ka.No.7707/A2/2025 dated 04.08.2025 passed by the second respondent as well as in Na.Ka.No.4213/A1/2025 dated 05.08.2025 passed by the third respondent and quash the same as illegal, consequently, direct the respondents not to disturb the petitioner in so far as acting as a Secretary.

For petitioner : Mr.S.R.Sundar
for Mr. K.Muthu Ganesa Pandian

For respondents : Mr.P.T.Thirviam
Government Advocate for R1 to R4

ORDER

This Writ Petition is taken up for hearing at the time of admission with the consent of the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4 and after dispensing with the notice on the



W.P.(MD) No. 22581 of 2025

WEB COPY

fifth respondent, as no adverse orders are proposed to be passed against the fifth respondent.

2. The petitioner is before this Court against the impugned communication dated 04.08.2025 bearing reference Na.Ka.No.7707/अ2/2025 of the second respondent. The said impugned communication has been addressed to the third respondent/District Education Officer. Pursuant to which the third respondent/District Education Officer has passed an impugned order on 05.08.2025 bearing reference Na.Ka.No.4213/अ1/2025, whereby the petitioner has been removed from the post of the Secretary of the Theerthapathi Higher Secondary School, Ambasamudram.

3. The background of the case appears to be that the petitioner's driver, namely, Manikumar apparently is an accused of different offences under Sections 332(b) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, Sections 11(4), 12, 3, 4, 21(1) and 21(2) of the Protection of Children from Sexual Offences Act (POCSO), 2012 and Section 3(1)(w)(i) of SC/ST (Prevention of Atrocities) Act, 1989 and that in connection therewith, the petitioner (A2) had threatened the



W.P.(MD) No. 22581 of 2025

WEB COPY

parents of the minor victim to not initiate any proceedings and had resorted to criminal intimidation and thus, FIR in Crime No.24/2025, dated 01.08.2025 has been registered against the driver, the petitioner, the Head Master and the Junior Assistant of the fifth respondent/School.

4. The learned counsel for the petitioner submits that the first mentioned impugned order has been passed on 04.08.2025 without following principles of natural justice.

5. In any event, it is submitted that the statutory safeguard under Section 15(3) of the Tamil Nadu Private Schools (Regulation) Act, 2008 and Rule 25(3) of the Tamil Nadu Private Schools (Regulation) Rules, 2023 have been violated, as the petitioner was not heard.

6. That apart, it is submitted that mere registration of the FIR cannot be the basis to conclude that the petitioner was involved in FIR in Crime No.24/2025, dated 01.08.2025 filed for the aforesaid offences.

7. The learned Government Advocate for the respondents 1 to 4, on the other hand, submits that the petitioner, as a Secretary of the School, was not



W.P.(MD) No. 22581 of 2025

WEB COPY

expected to threaten the minor child and the parents, who are themselves victims of the heinous offence under the provisions of the Protection of Children from Sexual Offences Act (POCSO), 2012 along with above mentioned Acts and therefore, the order of the second respondent directing the third respondent to remove the petitioner from the post of the Secretary of the fifth respondent does not warrant interference.

8. I have considered the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4.

9. In my view, the impugned order which has been passed by the second respondent vide the impugned order dated 04.08.2025 has been passed in clear violation of the principles of natural justice, as the petitioner was not heard and the petitioner was removed from the post of the Secretary of the fifth respondent/School.

10. That apart, there are statutory safeguards in the form of Section 15(3) of the Tamil Nadu Private Schools (Regulation) Act, 2008 and Rule 25(3) of the



W.P.(MD) No. 22581 of 2025

WEB COPY

Tamil Nadu Private Schools (Regulation) Rules, 2023, which are reproduced below:

<i>Section 15(3) of the Tamil Nadu Private Schools (Regulation) Act, 2008</i>	<i>Rule 25(3) of the Tamil Nadu Private Schools (Regulation) Rules, 2023</i>
<i>15.Responsibility of the Educational Agency:</i> <i>(3)The competent authority may, for reasons to be recorded in writing, by an order declare the secretary or any member of the school committee as unfit to hold the office and direct the educational agency to remove the secretary or such member of the school committee, as the case may be:</i> <i>Provided that no order under this sub-section shall be made, unless the person holding the office of the secretary or any member of the school committee, as the case may be, is given an opportunity of making representation.</i>	<i>25.Secretary of the School Committee:</i> <i>(5) If the educational agency has wilfully failed to comply with the direction of the competent authority to remove the Secretary or the member of the school committee, the competent authority shall remove such person from the office of the Secretary of the member of the school committee, as the case may be, after giving such persons or the member of the school committee an opportunity of being heard.</i>

11. A reading of the above indicates that the impugned order is clearly not only a violation of the above provisions but also in violation of principles of natural justice and also Article 14 of the Constitution of India. Therefore, the impugned orders are set aside and the matter is remitted back to the second respondent to pass appropriate orders.



W.P.(MD) No. 22581 of 2025

WEB COPY

12. The impugned order shall be treated as a Show Cause Notice and the petitioner shall file a reply within a period of thirty (30) days from the date of receipt of a copy of this order. Thereafter, the second respondent shall pass an appropriate order on merits within a period of six (6) weeks thereafter.

13. Needless to state, while passing such an order, the second respondent will be guided by a well-settled person in law regarding the conclusion as to whether any case is made out against the petitioner in invoking the machinery of removal of the petitioner from the Secretary of the fifth respondent/School.

14. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

19.08.2025

To

1. The District Collector,

7/9



W.P.(MD) No. 22581 of 2025

WEB COPY

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WEB COPY



W.P.(MD) No. 22581 of 2025

C.SARAVANAN, J.

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W.P.(MD) No. 22581 of 2025

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