



W.P(MD)No.24126 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24126 of 2025 and
WMP(MD) Nos.18926, 18928 & 18929 of 2025

N.Prema

... Petitioner

Vs

1.The District Educational Officer (Elementary Education),
Karur District,
Karur.

2.The Block Educational Officer,(Elementary Education),
Aravakurichi Taluk,
Karur District.

3.The Secretary,
Marutha Muslim Government Aided Elementary School,
Pallapatti,
Aravakurichi Taluk,
Karur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 3rd respondent in Ka.Tho.No.171 dated 14.08.2025 and to quash the same as illegal, arbitrary and consequently direct the respondents



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to reinstate the petitioner as Secondary Grade Teacher in the 3rd Respondent School, within a time frame as stipulated by this Court.

For Petitioner : Mr.S.Ramanathan
For R1 & R2 : Mr.M.Sarangan
Additional Government Pleader
For R3 : Mr.H.Mohamed Zamil for
M/s.Ajmal Associates

ORDER

The petitioner was appointed as a Secondary Grade teacher in Marutha Muslim Government Aided Elementary School, Pallapatti, Karur District/ the third respondent herein, in the year 1990. The third respondent School is an aided Institute. The petitioner was provided with selection grade, special grade and super grade benefits in the years 2000, 2010 and 2025 respectively. At this juncture, the petitioner has been issued with a charge memo on 11.03.2025, on certain allegations and also imposed with a major punishment of compulsory retirement by an order dated, 14.08.2025. Aggrieved by this order of punishment, the petitioner has filed this writ petition.



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2.The learned counsel appearing for the petitioner submits that the major punishment of compulsory retirement has been passed by the respondent School, without even providing an opportunity to the petitioner, as required under Rule 29(4) of Tamil Nadu Private Schools (Regulation) Rules, 2023. According to the learned counsel, before passing the order of punishment, no notice has been issued as against this petitioner. Moreover, a copy of the enquiry report has not been furnished to her. Therefore, the order of punishment is liable to be set aside.

3.The learned counsel for the third respondent submits that the petitioner was issued with notices on 20.03.2025, 02.04.2025 and 29.04.2025 for the enquiry. However, she has not preferred to appear during the enquiry. The enquiry report has also been communicated to this petitioner through registered post. However, this petitioner has not responded for the same.



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4.This Court considered the rival submissions made and also perused the materials placed on record.

5.This petitioner said to have served for more than 30 years as a teacher in the third respondent School. She was awarded with selection grade, special grade and also super grade. She was issued with a charge memo on 11.03.2025, framing 12 charges. At request of the petitioner, the Enquiry officer was also changed. The respondents claim that though notices were sent to the petitioner on 20.03.2025, 02.04.2025 and 29.04.2025, the petitioner has not responded to the same. The petitioner has taken a stand that no notice, under Rule 29(4) of Tamil Nadu Private Schools (Regulation) Rules, 2023 was issued as against her, before passing the order of punishment. The petitioner has not appeared during the enquiry and therefore, an exparte minute was passed by the enquiry officer. This report was also said to have been communicated by the respondent school to the petitioner by way of a registered post. However, it appears that no notice as contemplated under Rule 29(4) of the Tamil Nadu Private School (Regulation) Rules, 2023 has been issued to



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this petitioner, before passing the order of punishment. The procedure for disciplinary action as against the staff of the aided private school is stipulated in Rule 29(4) and the same is extracted as under:-

29.Disciplinary action against the staff of an aided private school.-

(4) In every case where the school committee proposes to impose any major penalty on the delinquent staff, the following procedure shall be followed:-

(a) the disciplinary authority shall frame definite charge on the basis of the allegation on which the inquiry is proposed to be held and a copy of the charge together with the statement of the allegation on which they are based shall be furnished to the person charged and he shall be required to submit within such time as may be specified by the disciplinary authority, but in any case not later than a period of thirty days, a written statement of defence and also to state whether he desires an oral inquiry or to be heard in person;

(b) if an oral inquiry is desired by the person charged, the school committee shall appoint an inquiry officer who shall be not below the rank of the person charged to conduct the inquiry. At that inquiry, oral evidences may be heard as to such of those allegations as are not admitted and the person charged shall be entitled to cross examine the witnesses, to give evidences in person and to call for such witnesses as he may wish, provided that the inquiry officer may for special and valid reasons to be



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recorded in writing, refuse to call a witness. At the conclusion of the inquiry, the inquiry officer shall prepare a report of the inquiry regarding his findings on each of the charge together with the reasons therefor;

(c) the school committee shall consider the report of the inquiry officer and record its findings on each charge and if the school committee is of the opinion that any of the major penalties should be imposed, it shall-

- (i) furnish to the person charged a copy of the report of the inquiry officer, where an inquiry has been made by such officer;
- (ii) give the person charged a notice in writing stating the action proposed to be taken and call upon him to submit within a time specified, in any case not exceeding two weeks, such representation as he may wish to make, against the proposed action;

(d) on receipt of the representation, if any, made by the person charged, the school committee after considering the same, shall pass final orders in the disciplinary proceedings and communicate the same to the delinquent staff. In any case, the final orders in the disciplinary proceedings shall be issued not later than the period of six months. The school committee shall intimate the same to the Block Educational Officer and the District Educational Officer (Elementary) in respect of Pre-Primary, Primary and Middle Schools, the District Educational Officer (Elementary) of Chennai district in respect of Anglo-Indian Schools and the Chief Educational Officer in respect of High and Higher Secondary Schools and the Principal, the District Institute of Education and Training in respect of Teacher Training Institute.



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6. Notice in writing stating the proposed action/punishment, to be taken/to be imposed, based on the Enquiry officer's report has to be issued to the staff concerned, however, in the case on hand, no such notice has been issued to this petitioner and a the major punishment of compulsory retirement has been imposed on the petitioner. Therefore, this Court is inclined to set aside the order of punishment imposed by the respondent School Management. While remanding the matter, this Court has also noticed that the petitioner has not participated in the enquiry and therefore, this Court is of the opinion that a fresh enquiry is required to be conducted by providing an opportunity to this petitioner.

7. Accordingly, this writ petition is allowed. The impugned order of punishment, dated 14.08.2025 is set aside. The third respondent School is directed to conduct a fresh enquiry, by providing an opportunity to this petitioner. The petitioner is directed to utilise this opportunity and appear before the enquiry Officer and submit her case, if any. The enquiry procedure as well as the



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disciplinary proceedings shall be concluded within a period of six months from the date of receipt of a copy of this order. No costs.

Consequently, connected Miscellaneous petitions are closed.

10.12.2025

NCC: Yes/No

Index: Yes/No

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B.PUGALENDHI, J.

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