



WEB COPY

WP No. 4457 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 4457 of 2026
and WMP.No.4964 of 2026**

S.Thirumaran

Secretary/Correspondent

Sri Ramakrishna Aided Middle school

Thirupathiripuliyur,

cuddalore-2

..Petitioner(s)

Vs

1. The Director of school Education

DPI Campus,

College Road,

Chennai-600 006

2. The District Educational officer(Primary
Education)

Cuddalore Education District,

Cuddalore

3. Block Educational officer

Periyakangana kuppam,

Cuddalore

..Respondent(s)



Petition filed Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of 2nd respondent in proceedings Na.Ka.No.118/A3/2022 and dated 12.1.2026 and quash the same.

For Petitioner(s): Ms.Srimathi V.

For Respondent(s): Ms.Mythreye Chandru, SGP

ORDER

Challenging the proceedings of the second respondent in Na. Ka.No.118/A3/2022 and dated 12.01.2026, the present Writ Petition has been filed.

2. Heard the learned counsels appearing on either side.

3. The brief facts of the case is as follows:

3.1. The petitioner is the Secretary/Correspondent of Sri Ramakrishna Aided Middle School, Thirupathiripuliyur, Cuddalore. He has initiated disciplinary action against two teachers namely, Renuka and Malarvizhi for dereliction in performing their duties and charge memos were also served on the delinquent teachers on 01.07.2021 and an Enquiry Officer was appointed. However despite enquiry notices, the delinquent teachers abstained from enquiry and hence, the enquiry officer submitted a report as if the charges were



proved against them. In this backdrop, instead of participating in the enquiry, the said teachers filed W.P.Nos.3480 & 3483 of 2022 and had obtained interim orders from this Court and the same were pending. Without considering all these aspects, the second respondent issued the impugned proceedings dated 12.01.2026, directing reinstatement of the delinquent teachers, which is a non speaking and is in violation of Article 14 of the Constitution of India. Aggrieved by the same, the petitioner has come forward with the present Writ Petition.

4. The learned counsel for the petitioner submitted that the two teachers namely, Renuka and Malarvizhi are reluctant to discharge their duties and their acts were prejudicial to the interests of the institution and hence, disciplinary action was initiated by appointing Enquiry Officer, however they abstained from enquiry and approached this Court and had obtained interim stay in W.P.Nos.3480 & 3483 of 2022. She further submitted that the present impugned order has been passed by the second respondent on 12.01.2026 for reinstatement of the said teachers, without taking into consideration of the above acts of the delinquency of the teachers and hence, the present Writ Petition.

5. Per contra, the learned Special Government Pleader appearing on behalf of the respondents submitted that admittedly, there was a dispute



between the Management and the two teachers and without declaring the posts as vacant, the petitioner has surrendered those posts without the approval of the educational department and sought approval for the same. She further submitted that in the absence of any termination or existing vacancy approval for surrender of the posts is not sustainable. She further submitted that the impugned order has been passed to reinstate the two teachers and it is open to the petitioner to proceed with the disciplinary proceedings and conclude the same, but it is the petitioner, who is not willing to go ahead with the same. She submitted that the second respondent has passed the impugned order following the procedure and hence, the same warrants no interference and seeks for dismissal of the petition.

6. I have considered the rival submissions put forth by the respective learned counsels and also perused the materials available on record.

7. It is borne out by record that upon completion of the enquiry and submission of report, no action has been taken on the said report on account of the interim orders passed by this Court in the Writ Petitions in W.P.Nos.3480 & 3483 of 2022 filed by the said teachers. Therefore, the said teachers are still on the rolls of the school even as on date.

8. It is to be pointed out that only when there is a vacant post, the same



could be surrendered. However, in the case on hand, surrender of posts of the two teachers is sought for, which posts are being occupied by the teachers.

Such being the case, as rightly contended by the learned Special Government Pleader, without completing the enquiry and passing orders on the same, the said posts cannot be dealt with by the school, as it is bound by the interim orders passed in the Writ Petitions. Therefore, the right course open to the petitioner is to contest the Writ Petition and thereafter, proceed against the teachers on the basis of the enquiry report and the surrender of posts sought for by the petitioner, in the aforesaid context, has been rightly rejected by the respondents, which cannot be found fault with.

9. For the reasons aforesaid, this Writ Petition is dismissed with a direction to the petitioner to conclude the disciplinary proceedings initiated against the two teachers by contesting the writ petitions filed by the teachers and thereafter, proceed in accordance with law. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DP



To

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M.DHANDAPANI, J.

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