



WEB COPY



W.P.No.29797 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.29797 of 2022
and WMP.No.29190 of 2022

G.K.Seenu

... Petitioner

vs

1.Sri Venkateswara Higher Secondary School,
Represented by its Correspondent / Secretary
(under the Management of TT Devasthanams)
Infantry Road, Anna Salai
Vellore – 632 001.

2.The Executive Officer
Thirumala Tirupati Devasthanams
K.T.Road
Tirupati – 517507.

3.The Assistant Executive Officer (inventory)
Thirumala Tirupati Devasthanams
K.T.Road
Tirupati – 517 507.

4.The Chief Educational Officer
Vellore District
Collector Office Campus
Vellore – 632 009.

5.The District Educational Officer
Vellore District
Collector Office Campus



W.P.No.29797 of 2022

Vellore – 632 009.

... Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the 2nd respondent herein culminating in impugned proceedings vide ROC.No.DA1A/1938/2021 right from issuance of show cause notice dated 22.01.2022 and consequential Articles of Charge dated 07.04.2022 in ROC.No.DA1A/1938/2021 further enquiry order dated 06.10.2022 in ROC.No.DA1A/1938/2021 on the file of the 2nd respondent and to quash the same.

For Petitioner : M/s.Tamil Selvi Santhanaraman

For Respondents : Mr.G.Ponnambala Thiyagarajan, Standing Counsel
for R1 to R3
Mrs.A.Bakkiyalakshmi, GA for R4 & R5.

ORDER

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 to 3 and the learned Government Advocate appearing for the respondents 4 and 5 and perused the records.

2. The petitioner by the present writ petition has assailed the action of the respondents in issuing impugned proceedings vide ROC.No. DA1A/1938/2021 dated 22.01.2022 being a show cause notice and the consequential Articles of charges dated 07.04.2022 in furtherance of the aforesaid show cause notice, further



W.P.No.29797 of 2022

enquiry order dated 06.10.2022 in ROC.No.DA1A/1938/2021 on the file of the 2nd respondent.

3. Briefly put the case of the petitioner is that the 2nd respondent had issued impugned show cause notice and undertook further proceedings by framing articles of charges and also issued proceedings dated 06.10.2022, appointing an enquiry officer to go into the articles of charges; that the aforesaid action was undertaken by exercising power under the provisions of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules 1991 (for short APCCA Rules, 1991); that the invoking and initiation of proceedings under the APCCA Rules 1991 is without jurisdiction; that the petitioner being appointed to work in an aided post in the State of Tamil Nadu the rules prevalent and applicable in the State of Tamil Nadu would apply; that the respondent without invoking the relevant rules which governs the services of the teacher in the State of Tamil Nadu has initiated action under non applicable rules and therefore, the impugned proceedings i.e., the show cause notice and the further action taken thereon is without jurisdiction, the same are liable to be interfered by this Court, hence, the present writ petition.

4. Counter affidavit is filed on behalf of the second respondent.



W.P.No.29797 of 2022

5. The respondent by the counter affidavit contended that since, the 2nd respondent is the appointing authority and is situated in the State of Andhra Pradesh, the authorities have initiated action by invoking the provisions of APCCA Rules, 1991 r/w.Rule 4 of TTD Service Rules issued vide GO.Ms.No.1060 dated 24.10.1989.

6. By the counter affidavit it is further contended that the respondent after issuing show cause notice invoking APCCA Rules, 1991, have framed articles of charges dated 07.04.2022 and thereafter the authorities have also appointed an enquiry officer to conduct an enquiry and submit a report.

7. By the counter affidavit it is further contended that only in order to facilitate the conduct of enquiry, the respondent authorities have deputed the petitioner to work at School in Tirupati and the petitioner instead of joining at his place of posting had approached this Court by filing the writ petition in WP.No.8756 of 2021 assailing the said action of the respondent.

8. The respondents by the Counter affidavit further contended that since



W.P.No.29797 of 2022

the school in which the petitioner is appointed to work as Physical Education Teacher is under the management and control of TTD and the Executive Officer of TTD is the appointing and disciplinary authority for all the staffs of TTD including the staff in which the petitioner is appointed, the authorities had issued impugned proceedings under the provisions of APCCA Rules, 1991 and the Tamil Nadu Government is only funding the salary of the staff, being a grant in aid post.

9. The respondents by the counter affidavit contended that the 2nd respondent authority has power to terminate the service of the petitioner without notice; however, in order to give an opportunity to the petitioner, the impugned show cause notice has been issued, enabling him to submit his explanation and also appointed enquiry officer to conduct an enquiry and submit his report for the respondent authority to take action in the matter in a fair manner. Contending as above, the respondents seeks for dismissal of the writ petition.

10. Separate counter affidavit has been filed on behalf of the 5th respondent.



W.P.No.29797 of 2022

11. The 5th respondent by the counter affidavit contended that the first respondent school comes under the management of TTD, is a linguistic minority school getting teaching grant from the Government of Tamil Nadu and said school is governed by the provisions of the Tamil Nadu Recognised Private School Regulations Act, 1973 and the rules framed thereunder in the year 1974.

12. By the counter affidavit, the 5th respondent further contended that appointment of the petitioner was approved by the said respondent; that the respondent authorities have no say insofar as the administrative matter / dispute between the petitioner and the management.

13. By the counter affidavit it is further contended that any action taken by the respondents 1 and 2 is entirely outside the scope of said respondents. The petitioner had unnecessarily impleaded the 4th and 5th respondent in the present writ petition, as such the said respondents are not necessary parties.

14. I have taken note of the respective contentions urged.



W.P.No.29797 of 2022

15. Though, the respondents 1 and 2 authorities are the appointing authority / disciplinary authority, insofar as the petitioner is concerned, however the petitioner has been appointed to work in a school situated in the State of Tamil Nadu and that too against a grant in aid post. Thus, the service of the petitioner would be governed by the provisions of the Act and Rules of the State of Tamil Nadu and the respondents could not have invoked APCCA Rules, 1991 for initiating Disciplinary action in respect of the alleged violation by the petitioner.

16. Since, it is not in dispute that the impugned proceedings are initiated under APCCA rules, in respect of teacher working in the State of Tamil Nadu who is appointed and governed by the Tamil Nadu Recognised Private School Regulations Act, 1973 and the rules framed thereunder in the year 1974, this Court is of the view that the impugned proceedings by which the respondent had initiated disciplinary action by issuing show cause notice to the petitioner and the further action taken thereon by appointing enquiry officer, the said enquiry officer proceeding with the enquiry cannot be sustained as the same are without jurisdiction.



W.P.No.29797 of 2022

17. Accordingly, the writ petition is allowed and the impugned proceedings is set aside. However, it is made clear that the respondents are at liberty to initiate proceedings in accordance with law. It is also made clear, that it is open for the petitioner to take all the available pleas, open to him in law. No costs. Consequently, connected miscellaneous petition is closed.

16.02.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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W.P.No.29797 of 2022

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T. VINOD KUMAR, J.

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