



C.M.P.(MD)No.6844 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**C.M.P.(MD)No.6844 of 2026
in
Rev.Apl.C.(MD)No.SR40087 of 2026
in
W.A.(MD)No.151 of 2020**

V.Nagaraj Kannan

... Petitioner

Vs.

1.The Joint Director of School Education (Secondary),
Office of the Director of School Education,
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Office of Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

3.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

4.The Secretary
K.H.N.Nadar Higher Secondary School
Perunali, Kamuthi Taluk
Ramanathapuram District.

... Respondents



C.M.P.(MD)No.6844 of 2026

Prayer in C.M.P.(MD)No.6844 of 2026 : Miscellaneous Petition is filed under Section 5 of the Limitation Act, to condone the delay of 1761 days in filing review petition against in W.A.(MD)No.151 of 2020 in W.P.(MD)No.16672 of 2016 dated 06.07.2021 pending disposal of the Review Petition.

Prayer in Rev.Apl.C.(MD)No.SR40087 of 2026 : Review Application is filed under Article 226 of the Constitution of India r/w. Section 114 and Order 47 Rule 1 of Civil Procedure Code, to allow the review application and set aside the order passed in W.A.(MD)No.151 of 2020 in W.P.(MD)No.16672 of 2016 dated 06.07.2021.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.M.Kannan,
Government Advocate for R1 to R3.

ORDER
(By G.R.SWAMINATHAN, J.)

The review applicant herein seeks review of the order dated 06.07.2021 made in W.A.(MD)No.151 of 2020. Any review application has to be filed within 30 days from the date of receipt of the order copy. But in the case on hand, there has been a delay of 1761 days in filing the review application.



C.M.P.(MD)No.6844 of 2026

WEB COPY

2.The review applicant was working as a Drawing Teacher in an aided institution (fourth respondent herein). He was dismissed from service on 12.04.2014 by the school management on the ground that he had conducted himself in a manner unbecoming of a teacher. The specific charge made against him was that he had misbehaved with a girl student. The other charge against him was that he had come to the school in an inebriated condition. The charges were held to be proved after domestic enquiry. The department also granted approval for the dismissal under Section 22 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973. He preferred an appeal before the Joint Director of School Education. But the same was also dismissed. Challenging these orders, the review applicant filed W.P.(MD)No.16672 2016. The writ petition was dismissed by an elaborate order on 26.04.2019. Aggrieved by the same, the review applicant filed W.A.(MD)No.151 of 2020. The Honorable Division Bench dismissed the writ appeal on 06.07.2021 in the following terms:-

“4. In the Writ Petition, it was contended that the order of dismissal and the domestic enquiry was in gross violation of principles of natural justice. The fourth respondent did not follow the provisions of the Tamil Nadu Recognized Private Schools



WEB COPY



C.M.P.(MD)No.6844 of 2026

(Regulation) Act, 1973 and the Rules framed thereunder. The order of dismissal is on account of victimization and it is a predetermined order. The order of approval granted by the second respondent is illegal, arbitrary and the fourth respondent did not pay the subsistence allowance during the period of suspension. The appellate authority passed the order without application of mind. To say the least, all the grounds raised in the Writ Petition are absolutely vague, because the appellant does not show as to whether he was denied opportunity and what was the nature of violation of principles of natural justice. It is the statutory provision, which has been followed by the management or the approving authority or the appellate authority. Non payment of subsistence allowance cannot be a ground to quash the order of dismissal. The appellant has not been able to establish any prejudice, which was caused to him on account of such non-payment of subsistence allowance. In fact, he has approached this Court by filing W.P.(MD)No. 8697 of 2013, which was disposed of on 23.05.2013, refusing to interfere with the second show cause notice and disposing of the Writ Petition with certain directions.

5. Furthermore, the appellant has participated in the domestic enquiry, received the second show cause notice and submitted his explanation and thereafter, the order of dismissal has been passed. The requirement, which is to be fulfilled in a disciplinary proceedings, is not required to establish the charge beyond reasonable doubt, but what is required is preponderance of probability. From the perusal of the relevant documents placed



WEB COPY



C.M.P.(MD)No.6844 of 2026

before us, we are satisfied that reasonable opportunity has been granted to the appellant at all stages of the matter. Therefore, the learned Writ Court was right in dismissing the Writ Petition. Before us, the learned counsel for the appellant reiterated that the Enquiry Officer acted as a prosecutor, toned the role of an Enquiry Officer as well as a prosecutor thereby virtually acted as a representative of the management. Furthermore, the learned counsel submitted that the appellant has been permitted because of certain internal issues in the management. To substantiate the said contention of the appellant, the appellant has produced affidavit alleged to have been sworn by the victim girl, signed before a Notary Public, who is practising in Kamuthi (Taluk), Ramanathapuram District. It is very unfortunate state of affairs in the case on hand. The appellant has gone to the extent of preparing an affidavit and affixing photograph of the victim girl, wherein she appears to have stated that no such incident had occurred. This one move of the appellant is sufficient to hold that he is unfit to be a Teacher. As already observed, we are fully satisfied that sufficient opportunity has been granted to the appellant in the domestic enquiry. The plea of bias now raised is absolutely untenable and unsustainable. The disciplinary authority had applied his mind and passed an order and has reconsidered the matter and thereafter granted approval. The appellate authority has independently taken a decision in the matter. Thus, we are of the definite view that the appellant has not made out any case for interference to the order passed in the Writ Petition.”

This order is sought to be reviewed.



C.M.P.(MD)No.6844 of 2026

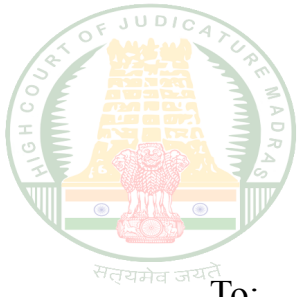
WEB COPY

3.The review applicant has absolutely no case on merits. The order which is sought to be reviewed is not having any error apparent on the face of the record. In our respectful view, it is the most justified order.

4.The review applicant cannot seek condonation of delay as a matter of right. Unless sufficient cause is made out, delay cannot be condoned. In the affidavit filed in support of the condone delay petition, no sufficient cause has been made out. We, therefore, dismiss this civil miscellaneous petition. Consequently, Rev.Apl.C.(MD)No.SR40087 of 2026 is dismissed at the SR stage itself. No costs.

(G.R.S. J.) & (R.P. J.)
09.06.2026

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



C.M.P.(MD)No.6844 of 2026

To:
WEB COPY

- 1.The Joint Director of School Education (Secondary),
Office of the Director of School Education,
College Road, Chennai - 600 006.
- 2.The Chief Educational Officer,
Office of Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.
- 3.The District Educational Officer,
Paramakudi,
Ramanathapuram District.



WEB COPY



C.M.P.(MD)No.6844 of 2026

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

ias

C.M.P.(MD)No.6844 of 2026
in
Rev.Apl.C.(MD)No.SR40087 of 2026
in
W.A.(MD)No.151 of 2020

09.06.2026