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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-10-2026

CORAM

THE HON'BLE MR. JUSTICE B.PUGALENDHI

WP(MD) No. 29526 of 2025

CNR:{HCMD011466152025}

AND

WMP(MD) NO. 22836 OF 2025

V.Shanthi

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
   Rep. by its Secretary, Department of School
   Education, Fort.St.George, Chennai - 600 009.
   (R1 is amended vide court order dated 12.11.2025
   in WMP(MD)No.23329 of 2025 in
   WP(MD)No.29526 of 2025)

2. The Director of School Education
   College Road, Chennai - 600 006.

3. The Chief Educational Officer
   Virudhunagar,
   Virudhunagar District.

4. The District Educational Officer
   Sivakasi,
   Virudhunagar District.

5. The Correspondent
   Sri Rao Bahadur A.K.D. Dharma Raja,
   Girls Higher Secondary School,
   Rajapalayam - 626 117, Virudhunagar District.

6. A.K.D.Krishnama Raju
   The Correspondent,
   Sri Rao Bahadur A.K.D.Dharma Raja
   Girls Higher Secondary School,
   Rajapalayam - 626 117,
   Virudhunagar District.

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7. The Headmistress
Sri Rao Bahadur A.K.D.Dharma Raja
Girls Higher Secondary School,
Rajapalayam - 626 117,
Virudhunagar District.

..Respondent(s)

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 relating to the impugned order passed by the 5th respondent School dated 07.10.2025 dismissing the petitioner from service as BT Assistant (Maths), quash the same as illegal and further direct the respondents herein to reinstate the petitioner in her service as BT Assistant (Maths) in the 5th respondent school with salary, arrears of salary and all other consequential benefits.

For Petitioner(s) : Mr.Isaac Mohanlal, senior counsel
for Mr.K.Ragatheesh Kumar
for M/s. Isaac Chambers

For Respondent(s) : Mrs.Porkodi Karnan
Special Government Pleader
for R1 to R4

Mr.A.Sivaji for R5 to R7

ORDER

The petitioner was working as a B.T. Assistant in the fifth respondent school. The petitioner was dismissed from service by the fifth respondent school. Challenging the order of dismissal, the petitioner has filed the present Writ Petition on the following grounds:

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(i) The disciplinary proceedings were initiated by the Headmaster, who is not the employer of the petitioner. Therefore, the very initiation of the disciplinary proceedings is without jurisdiction.

(ii) The petitioner was dismissed from service without issuing any charge memo, without conducting a proper enquiry and without providing sufficient opportunity to the petitioner to defend herself. The order of dismissal was passed merely on the basis of complaints allegedly made by certain parents.

2. The learned Senior Counsel appearing for the petitioner submits that a few parents had allegedly lodged complaints stating that the petitioner had abused the students. Based on the said complaints, show-cause notices dated 14.07.2025 and 23.07.2025 were issued to the petitioner by the Headmaster. However, copies of the complaints were not furnished to the petitioner. Thereafter, an enquiry was conducted by a local advocate, and the enquiry was also concluded on the same day. According to the learned Senior Counsel, since the enquiry was conducted by an advocate, the petitioner had also sought permission to avail herself of legal assistance to defend herself in the disciplinary proceedings. However, the

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said request was denied. The enquiry report dated 29.09.2025 was furnished to the petitioner on 02.10.2025, along with a bunch of documents, and the petitioner was called upon to submit her explanation. However, the documents relied upon by the management and enclosed along with the enquiry report had not been furnished to the petitioner either during the course of the enquiry or prior to the commencement of the enquiry. Therefore, according to the learned Senior Counsel, the entire enquiry proceedings had been conducted in a biased manner.

3. The learned Senior Counsel further points out that, challenging the order of suspension dated 18.07.2025, the petitioner had filed a Writ Petition before this Court in W.P.(MD) No.25523 of 2025. In the said Writ Petition, this Court had ordered notice to the respondents and posted the matter for further hearing on 08.10.2025. While the said Writ Petition was pending consideration, the enquiry was conducted in a hurried manner on 29.09.2025. Thereafter, a second show-cause notice was issued on 02.10.2025, and the order of punishment was passed on 07.10.2025, evidently with a view to rendering the Writ Petition already filed by the petitioner infructuous.

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4. The learned Special Government Pleader appearing for the respondents 1 to 4 submits that the order of punishment had not been approved by the Department and that the fourth respondent/District Educational Officer, Sivakasi, had rejected the request made by the fifth respondent management seeking approval of the order of punishment.

5. The learned counsel appearing for the fifth to seventh respondents submits that, based on certain complaints received by the management, an enquiry was conducted against the petitioner and, pursuant to the said enquiry, the petitioner was dismissed from service.

6. This Court has considered the rival submissions made on either side and perused the materials placed on record.

7. The petitioner has made out a case that the disciplinary proceedings were not initiated by the fifth respondent management but were initiated by the Headmaster, who did not have the authority to initiate such disciplinary proceedings against the petitioner. It is further seen that, though an enquiry was conducted, no charge memo was issued to the petitioner. However, along with the enquiry report, it appears that 125 documents had been enclosed, and the petitioner was called upon to

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submit her explanation. Admittedly, these documents had not been furnished to the petitioner either during the course of the enquiry or prior thereto. The enquiry was also conducted by engaging a local advocate as the Enquiry Officer. When the management had chosen to appoint an advocate to conduct the enquiry, in all fairness, the petitioner ought to have been permitted to engage the services of a counsel of her choice to defend herself in the disciplinary proceedings. However, the same was also denied to the petitioner.

8. Moreover, the fourth respondent/District Educational Officer, Sivakasi, who is the competent authority to approve the order of punishment, has not approved the same and has, in fact, rejected the request made by the management seeking approval of the order of punishment.

9. In view of the above facts and circumstances, this Court is of the considered view that the petitioner has made out a case warranting interference by this Court. Accordingly, this Writ Petition is allowed, and the impugned order of punishment dated 07.10.2025 is set aside. Consequently, the petitioner shall be reinstated in service forthwith. The fourth respondent/District Educational Officer, Sivakasi, is directed to identify an alternative place and accommodate the petitioner in any

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available surplus post. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Secretary, Department of School Education, Fort.St.George, Chennai - 600 009

2. The Director of School Education
College Road, Chennai - 600 006

3. The Chief Educational Officer
Virudhunagar
Virudhunagar District

4. The District Educational Officer
Sivakasi
Virudhunagar District

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B.PUGALENDHI J.
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