

WA(MD). No.114 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.06.2026

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THE HONOURABLE MR. JUSTICE **C.V.KARTHIKEYAN**
AND
THE HONOURABLE MR. JUSTICE **R. SAKTHIVEL**

WA(MD). No.114 of 2026
and
CMP(MD)No.1171 of 2026

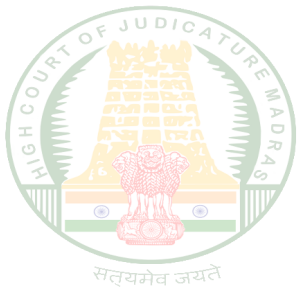
The Secretary,
Pankajam Girls Higher Secondary School,
Bodinayakkanur. ... Appellant/Respondent No.4

Vs

- 1.Jakkammal ... 1st Respondent/Writ Petitioner
- 2.The Joint Director of Higher Education,
Chennai, Tamil Nadu-600 006.
- 3.The Chief Educational Officer,
Theni.
- 4.The District Educational Officer (Secondary),
Theni.
- ... Respondents 2 to 4/Respondents 1 to 3

PRAYER :-

Writ Appeal filed under Clause 15 of Letters patent, against the order passed by this Court in W.P.(MD).No.28204 of 2025 dated 23.01.2026.



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For Appellant : Mr.Ajmalkhan
Senior Counsel
for Mr.T.Aswin Raja Simman

For Respondents : Mr.R.Suriyanarayanan for R1

: Mr.K.K.Udayakumar
Counsel for State of TN for R2 to R4

JUDGMENT

(Judgment of the Court was made by C.V.Karthikeyan, J.)

The fourth respondent in W.P(MD)No.28204 of 2025, aggrieved by the order dated 23.01.2026 of the learned Single Judge, is the appellant before this Court.

2.W.P.(MD)No.28204 of 2025 was filed by the first respondent herein, Tmt.Jakkammal, in the nature of a writ of certiorarified mandamus seeking records relating to the order of the present appellant in Na.Ka.No.208/2025, dated 29.09.2025, and to quash the same. In order to facilitate the narration of the facts, the parties shall be referred to in their litigative status as mentioned in the writ petition. Accordingly, the first respondent herein, Tmt.Jakkammal, would be referred to as the writ petitioner, and the appellant would be termed as the fourth



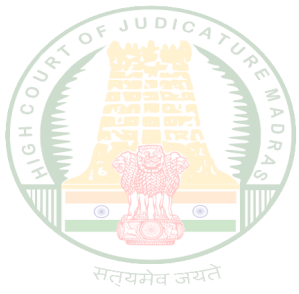
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respondent in the writ appeal.

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3. The writ petitioner was a headmistress in the fourth respondent school/private aided school. She was served with a charge memo on 04.11.2022 alleging: (i) that she had failed to record the absence of a B.T. Assistant Teacher, who had taken leave for half a day in the afternoon on 20.09.2022; (ii) that she had purchased lands in Theni District without obtaining prior permission or without prior intimation to the management; and (iii) that, during the course of an enquiry, she had addressed the fourth respondent in a disparaging manner.

4. An enquiry officer was appointed after some litigation between the parties, who finally submitted a report holding that the first and second charges stood proved, while the third charge was not proved. The fourth respondent thereafter proceeded further by issuing a show cause notice, to which an explanation was submitted by the writ petitioner. Being dissatisfied with the said explanation and having concluded that punishment should be imposed, the fourth respondent issued a further show cause notice and, thereafter, passed the impugned order compulsorily retiring the writ petitioner from service.



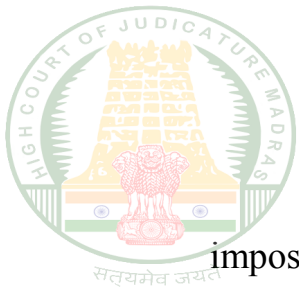
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WEB COPY 5.All the above narration would show that the question is whether the proper procedure was followed by the fourth respondent during the course of enquiry.

6.There are no grounds raised by the writ petitioner questioning the manner in which the enquiry officer was appointed. There are also no grounds raised that proper opportunity was not granted during the course of enquiry. There is no complaint regarding the manner in which the enquiry was conducted nor is there any allegation of denial of opportunity or any bias or prejudice on the part of the enquiry officer. It is, however, contended that the punishment imposed, namely, compulsory retirement, was disproportionate to the nature of the charges which stood proved, namely, that she had failed in her duty to mark the absence of a BT Assistant Teacher, who had taken leave in the afternoon session on 20.09.2022 and that she had purchased lands without intimation/permission from the school management.

7.The learned Single Judge, while examining the nature of the charges, the findings of the enquiry officer, and the punishment

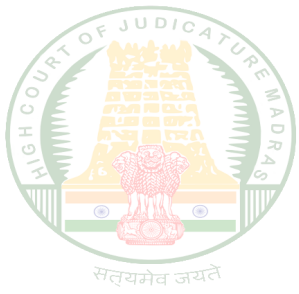
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imposed, was of the opinion that the punishment of compulsory retirement was disproportionate and, therefore, remitted the matter back to the fourth respondent therein for reconsideration. Among the reasons as to why the learned Single Judge found that the punishment was disproportionate was that, in the show cause notice and the subsequent notices, the fourth respondent therein had mentioned that the three charges had stood proved, which factually was not correct. But, however, the learned Single Judge was of the opinion that mentioning that all the three charges had stood proved created a cloud of suspicion on the part of the fourth respondent and, though not specifically stated in the order, probably imputed that a pre-conclusion had been reached so far as the disciplinary proceedings were concerned.

8.Challenging this observation that merely because it had been mentioned in the show cause notices that all the three charges had stood proved and the imputation made by the learned Single Judge on that basis, as well as the order directing the fourth respondent therein to reconsider the punishment imposed, the present writ appeal has been filed.



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9. The learned Senior Counsel appearing for the appellant pointed out that mentioning that all the three charges had been proved in the communications issued by the fourth respondent could not be construed as a lack of *bona fide*, but was only a genuine mistake. He contented that mere mention of that fact was not a factor which weighed on the mind of the fourth respondent while determining the punishment to be imposed on the writ petitioner. The learned Senior Counsel also argued that, if the Court were to step into the shoes of the disciplinary authority and determine the nature of the punishment to be imposed on a delinquent, then the Court would exceed its powers and travel beyond the scope of judicial review, as the Court cannot act as a further appellate authority over the nature of punishment imposed by the disciplinary authority. The power of the Court is limited to determining whether the proper procedure had been followed during the enquiry process and whether proper opportunity had been afforded. Even if there had been any deviation, if such deviation had not materially affected the enquiry process and not directly affected the opportunities to be granted to the delinquent, then the Court can never enter into the realm of the punishment imposed, as it is the prerogative of the management or the



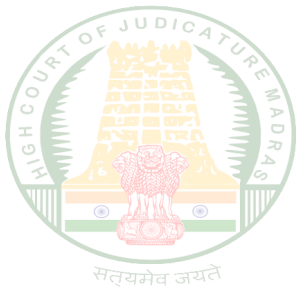
disciplinary authority. The learned Senior Counsel stated that if the Court to hold that the punishment was disproportionate, the Court should also render a finding that the disciplinary proceedings were shocking and that the punishment imposed shocked the conscience of the Court. In this connection, reliance was placed on the Judgment of the Hon'ble Supreme Court of India in ***Lucknow Kshetriya Gramin Bank (Now Allahabad, Uttar Pradesh Gramin Bank) Vs. Rajendra Singh*** reported in (2013) 12 SCC 372, particularly the principles laid down in paragraph 19, which are extracted as follows:

“...19. The principles discussed above can be summed up and summarised as follows:

19.1. When charge(s) of misconduct is proved in an enquiry the quantum of punishment to be imposed in a particular case is essentially the domain of the departmental authorities.

19.2. The courts cannot assume the function of disciplinary/departmental authorities and to decide the quantum of punishment and nature of penalty to be awarded, as this function is exclusively within the jurisdiction of the competent authority.

19.3. Limited judicial review is available to interfere with the punishment imposed by the disciplinary authority, only in cases where such penalty is found to be shocking to the conscience of the court.



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19.4. Even in such a case when the punishment is set aside as shockingly disproportionate to the nature of charges framed against the delinquent employee, the appropriate course of action is to remit the matter back to the disciplinary authority or the appellate authority with direction to pass appropriate order of penalty. The court by itself cannot mandate as to what should be the penalty in such a case.

19.5. The only exception to the principle stated in para 19.4 above, would be in those cases where the co-delinquent is awarded lesser punishment by the disciplinary authority even when the charges of misconduct were identical or the co-delinquent was foisted with more serious charges. This would be on the doctrine of equality when it is found that the employee concerned and the co-delinquent are equally placed. However, there has to be a complete parity between the two, not only in respect of nature of charge but subsequent conduct as well after the service of charge-sheet in the two-cases. If the co-delinquent accepts the charges, indicating remorse with unqualified apology, lesser punishment to him would be justifiable.”

10.The learned Senior Counsel further argued with respect to the factual matrix that the writ petitioner had purchased lands, which were commercial lands capable of being put to commercial use, namely, a cardamom estate, for a substantial value of more than one crore and a half, along with others, and contended that indulging in trade or business



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constituted misconduct. He urged that the Court should view that fact very seriously. The learned Senior Counsel also stated that one of the responsibilities of the Headmistress was to ensure the presence of all the teaching and non-teaching staff during school hours and, if any person were to take leave, to ensure that the absence was properly recorded in the attendance register and that the failure to do so amounted to dereliction of duty. The learned Senior Counsel urged that this Court should interfere with the order of the learned Single Judge, insofar as the direction is to remit the matter back to the fourth respondent for further consideration.

11. The learned counsel appearing for the writ petitioner, however, pointed out that the charges only alleged negligence in not marking the attendants of a teacher who had taken leave in the afternoon session and that the same had not materially affected the functioning of the school. However, no improper motive could be attributed to the writ petitioner in the discharge of her duties. The learned counsel stated that it was mere negligence and that such negligence can never invite the harsh punishment of compulsory retirement. With respect to the purchase of



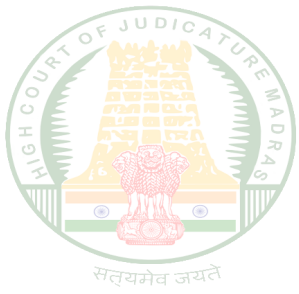
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lands, the learned counsel pointed out that the petitioner was not the sole purchaser, but had purchased the lands along with others, and that she had given an explanation regarding the withdrawal of amounts accumulated through her earnings, the sale of jewellery, and borrowings from private persons. It was contended that the charge was not one of carrying on trade or business, but only of non-intimation, which was merely an irregularity. It was contended that the learned Single Judge was correct in directing reconsideration of the punishment imposed.

12. We have considered the arguments made on either side and perused the material records of the case.

13. The following facts are admitted:

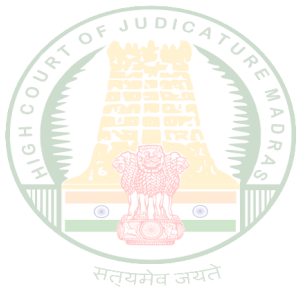
1. Writ petitioner was Headmistress of the fourth respondent school/Pankajam Girls Higher Secondary School of Bodinayakkanur, Theni;
2. On 20.09.2022, another teacher, Vilasini, had submitted a leave letter seeking leave for the afternoon session;
3. As the Headmistress, the petitioner had received the leave letter.



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14. It is the contention of the fourth respondent before the learned Single Judge/appellant herein that the writ petitioner had a duty to mark the absence of the said teacher in the attendance register for the afternoon session on 20.09.2022. During the evidence recorded by the enquiry officer, the management examined the librarian, Tmt.Sowmya, who stated that the leave letter submitted by Vilasini came to her desk only on 21.09.2022. She further stated that she was not aware that Vilasini had taken leave. However, during further examination, she admitted that it was her duty to make the necessary entries in the attendance register. She also stated that the said teacher, Vilasini, had been shown as having attended for all 30 days in the attendance register. It is to be noted that the month of September has 30 days. She thereafter stated that the attendance register, as maintained by her, had been countersigned by the writ petitioner. She further stated that the figure “30” was subsequently altered to “29” at the instance of the School Secretary. This aspect was also noticed by the enquiry officer, who observed that, insofar as this particular charge was concerned, the writ petitioner had merely been negligent and had only not shown due care and attention to detail.



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15.The further charge against the writ petitioner was that she had purchased lands capable of being put to commercial use and therefore, the imputation was that the lands had been purchased for trade or business, which would amount to misconduct under the Rules. However, the actual charge was only that she had not intimated the management about the purchase. A perusal of the enquiry report shows that she had explained that she was unable to give written intimation as no staff member was available and that she had orally intimated the management. This explanation that she had given oral intimation was disbelieved by the enquiry officer, and therefore, the charge was held to be proved. The enquiry office did not record any finding that she had indulged in misconduct by purchasing the lands. The finding was confined only to the non-intimation of the purchase of the lands.

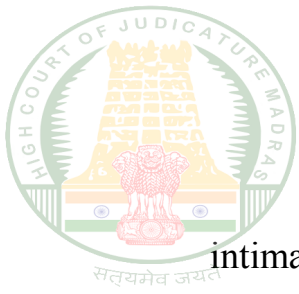
16.With respect to the observations of the learned Single Judge that there was a lack of *bonafide* on the part of the managment in stating that all the three charges had been proved when, in fact, only two charges had been proved, we find that both the fourth respondent and the writ petitioner were fully aware that only two charges had been held to be



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proved. It is a fact that the fourth respondent had mentioned that all the three charges had been proved. It is also a fact that, in the charge memo, though there ought to have been three serial numbers, only two serial numbers had been assigned. These are minor errors and, by themselves, do not justify an inference that the management had acted with *malafide* intention.

17. With respect to the punishment imposed, based on the facts narrated above, we are of the opinion that the first charge is only one of negligence and the second charge relates only to non-intimation, which is an irregularity that could have been regularised by subsequent intimation. In view of these facts, we hold that the punishment of compulsory retirement, which has severed the employer-employee relationship for these two isolated incidents, is indeed disproportionate and shocks the conscience of this Court. The fourth respondent before the writ Court could have exercised any one of the other punishment options available under the Rules. The enquiry officer has also observed in paragraph 13 of the enquiry report that there is no specific provision in the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974, requiring prior



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intimation to or prior permission from the management for the purchase of properties. We merely record the said observation of the enquiry officer. We leave that issue open and remit the matter back, as directed by the learned Single Judge, to the fourth respondent to take an appropriate decision. In the circumstances of the case, we refrain from making any observation regarding the nature of the punishment that should be imposed on the writ petitioner.

18.The learned Senior Counsel for the appellant stated that, from 01.10.2025, the writ petitioner had not been discharging her duties in the school and therefore, urged that the fourth respondent should not be directed to pay salary for the period during which she had not worked.

19.The learned counsel for the writ petitioner stated that the writ appeal had been filed only after the contempt petition had been instituted. We merely record the fact that the writ petitioner has not been in service from 01.10.2025 and leave it open to the fourth respondent to take a decision as to whether salary should or should not be paid for that period.

20.In the light of the above findings and observations, we confirm



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the order of the learned Single Judge remitting the matter back to the fourth respondent for reconsideration of the punishment imposed. We have indicated the reasons for arriving at the said conclusion. The fourth respondent shall take an appropriate decision within a period of four weeks from the date of receipt of a copy of this order.

21. With the above direction, this writ appeal stands disposed of.

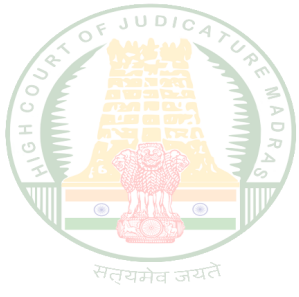
No costs. Consequently, connected miscellaneous petition is closed.

(C.V.K., J) & (R.S.V., J)
29.06.2026

sjj

To

1. The Joint Director of Higher Education,
Chennai, Tamil Nadu-600 006.
2. The Chief Educational Officer,
Theni.
3. The District Educational Officer (Secondary),
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**C.V.KARTHIKEYAN, J.
and
R.SAKTHIVEL, J.**

sjj

ORDER
IN
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Date : 29.06.2026