



W.A(MD)No.450 of 2026

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.04.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR  
and  
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD)No.450 of 2026  
and  
C.M.P(MD)No.4045 of 2026**

The Secretary,  
Marutha Muslim Government Aided Elementary School,  
Pallapatti,  
Aravakurichi Taluk,  
Karur District.

... Appellant/3<sup>rd</sup> Respondent

vs.

1.N.Prema,  
W/o.K.Gunasekaran,  
Secondary Grade Teacher,  
284, Anna Nagar,  
Pallapatti, Aravakurichi Taluk,  
Karur District.

... 1<sup>st</sup> Respondent/Writ Petitioner

2.The District Educational Officer (Elementary Education),  
Karur District,  
Karur.

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3.The Block Educational Officer (Elementary Education),  
Aravakurichi Taluk,  
Karur District.

... Respondents 2 & 3/  
Respondents 1 & 2

**PRAYER :** Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 10.12.2025 made in W.P(MD)No.24126 of 2025 on the file of this Court.

For Appellant : Mr.M.Mohamed Zamil  
for M/s.Ajmal Associates

For R – 1 : Mr.S.Ramanathan

For RR 2 & 3 : Mr.J.Ashok  
Additional Government Pleader

### **JUDGMENT**

**[Judgment of the Court was made by N.SATHISH KUMAR, J.)**

Challenging the order of the learned Single Judge in W.P(MD) No.24126 of 2026 dated 10.12.2025, whereby the Writ Petition was allowed and the matter was remanded with a direction to conduct a fresh enquiry, the School Management/third respondent has preferred the present Writ Appeal.



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2.The first respondent/writ petitioner challenged the punishment of compulsory retirement, dated 14.08.2025. The said punishment was assailed on the sole ground that the order had been passed without affording an opportunity as mandated under Rule 29(4) of the Tamil Nadu Private Schools (Regulation) Rules, 2023 (hereinafter referred to as “the Rules, 2023”).

3.The learned Single Judge, taking note of the fact that no notice in writing had been issued regarding the proposed action or punishment prior to its imposition, and finding procedural violation, set aside the order dated 14.08.2025 and remanded the matter with a direction to conduct a fresh enquiry. Aggrieved by the same, the present Writ Appeal has been filed.

4.The learned counsel appearing for the appellant/School Management submitted that the enquiry had been duly conducted and all



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relevant documents were served on the writ petitioner. It is contended that merely on account of a procedural lapse in issuing notice prior to the imposition of punishment, the entire enquiry report ought not to have been set aside. The learned counsel further submitted that if at all the matter is remanded, the enquiry should continue from the stage at which the defect had occurred.

5.In this regard, the learned counsel appearing for the appellant relied upon the Judgment of the Hon'ble Supreme Court of India in the case of *Chairman and others Vs. A.Masilamani [(2013) 6 SCC 530]*, wherein it has been held as follows:

*“16.It is a settled legal proposition, that once the Court sets aside an order of punishment, on the ground that the enquiry was not properly conducted, the Court cannot reinstate the employee. It must remit the case concerned to the disciplinary authority for it to conduct the enquiry from the point that it stood vitiated, and conclude the same. (vide*



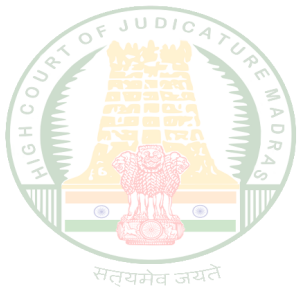
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**WEB COPY** *Managing Director, ECIL, Hyderabad etc. v. B. Karunakar etc*  
*AIR 1994 SC 1074; Hiran Mayee Bhattacharyya v. Secretary,*  
*S.M. School for Girls & Ors., (2002) 10 SCC 293; U.P. State*  
*Spinning Co. Ltd. v. R.S. Pandey & Anr., (2005) 8 SCC 264;*  
*and Union of India v. Y.S. Sandhu, Ex-Inspector AIR 2009 SC*  
*161).”*

6.The learned counsel appearing for the first respondent/writ petitioner submitted that compliance with Rule 29(4) of the Rules, 2023, by issuing proper notice, is mandatory.

7.Heard the learned counsel on either side and perused the materials available on record.

8.Considering the submissions made on either side, we are of the view that the learned Single Judge was not justified in setting aside the entire enquiry proceedings. The defect identified pertains only to non-compliance with the requirement of issuing notice under Rule 29(4) of the



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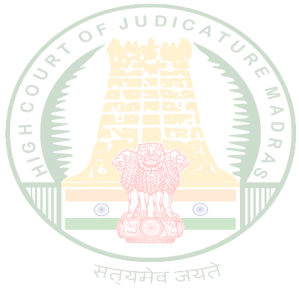
Rules, 2023 prior to the imposition of punishment. Therefore, the direction of the learned Single Judge to conduct a de novo enquiry is set aside. Instead, the appellant is directed to furnish a copy of the enquiry report and issue a notice in writing, as contemplated under Rule 29(4) of the Rules, 2023, indicating the proposed action or punishment, and call upon the first respondent/writ petitioner to submit her explanation. Thereafter, the appellant shall pass appropriate orders in accordance with law.

9. Accordingly, this Writ Appeal is disposed of. No costs.

Consequently, the connected Miscellaneous Petition is closed.

[N.S.K.,J.] [M.J.R.,J.]  
01.04.2026

NCC : Yes / No  
Index : Yes / No  
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To

1.The District Educational Officer (Elementary Education),  
Karur District,  
Karur.

2.The Block Educational Officer (Elementary Education),  
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N.SATHISH KUMAR,J.  
and  
M.JOTHIRAMAN,J.

ps

**ORDER MADE IN**  
**W.A(MD)No.450 of 2026**

**DATED : 01.04.2026**

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