



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.22732 of 2018

and

W.M.P (MD) .Nos.20623 and 20624 of 2018

G.Krishnaveni

... Petitioner

Vs

1.The Additional Chief Secretary/Principal Secretary to
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai.

2.The District Collector,
Trichy District.

3.The Deputy Commissioner of Police (L&O),
Trichy.

4.The Inspector of Police,
All Women Police Station,
Srirengam, Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the first respondent G.O.Ms(D).No.1090, Home (Court-VIA) Department dated 19.09.2018 and quash the same as arbitrary and illegal.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was appointed as Additional Public Prosecutor for Mahila Court, Trichy. G.O.Ms.No.1355 (Home Courts VIA) Department dated 09.11.2017 was issued in this regard. By the impugned Government Order, the petitioner's appointment was terminated. The order of termination is questioned by the learned counsel appearing for the writ



petitioner on quite a few grounds.

3. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that if an order simplicitor terminating the petitioner had been passed, the petitioner may not really have any grievance. This is because it is for the Government to choose its law officers. But then, the impugned Government Order has caused a very serious stigma and cloud on the petitioner's professional integrity. Such an order damaging the petitioner's reputation could not have been passed without hearing the petitioner.

4. This Court went through the contents of the impugned Government Order. Serious allegations have been made against the petitioner. But admittedly the petitioner was not even put on notice before passing the impugned order.

5. In this view of the matter, while sustaining the order terminating the writ petitioner's appointment as Additional Public Prosecutor for Mahila Court, Trichy, the adverse findings and observations made against the petitioner herein stand quashed. In other words, the impugned Government Order is quashed insofar as it adversely comments on the writ petitioner. This writ petition is partly allowed.

6. Since serious allegations have been made against the writ petitioner and the impugned Government Order has been partly quashed only on the ground of violation of the principles of natural justice, the respondents are given liberty to file a complaint against the writ petitioner before the Bar Council of Tamil Nadu. It is for the Bar Council of Tamil Nadu to take a call in the matter. It is made clear that this Court has not pronounced anything on the merits of the matter. All that this Court grants is liberty to the respondents to move the Bar Council with a complaint of professional misconduct against the writ petitioner. It does not say anything more.

7. With these observations, the Writ Petition is partly allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Additional Chief Secretary/Principal Secretary to
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai.

2.The District Collector,
Trichy District.

3.The Deputy Commissioner of Police (L&O),
Trichy.

4.The Inspector of Police,
All Women Police Station,
Srirengam, Trichy.

Copy to:
The Secretary,
The Bar Council of Tamil Nadu,
High Court Building, Chennai.

+1cc to Mr.P.Ganapathi Subramanian, Advocate, SR.No. 64541
+1cc to M/s.Special Government Pleader,SR.No. 64692

W.P. (MD) No.22732 of 2018
29.04.2019

rmk
KK/SAR/24.05.2019/ 3P- 8C

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