



WEB COPY



W.P.No.7376

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 31.10.2022

CORAM:

**THE HON'BLE MR. JUSTICE K.KUMARESH BABU**

**W.P.No.7376 of 2013**  
**and M.P.Nos.1 & 2 of 2013**

Mr.J.Gopal

...Petitioner

Vs.

- 1.The Commissioner,  
Adi-Dravidar and Tribal Welfare Department,  
Chennai – 5.
- 2.The Joint Director (Adult Education),  
Directorate of School Education,  
Chennai – 6.
- 3.The District Adi-Dravidar and Tribal Welfare Officer,  
Udhagamandalam,  
The Nilgiris.
- 4.The Headmaster,  
Government Tribal Residential Higher Secondary School,  
Kunjappanai,  
The Nilgiris.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India, for issuance of Writ of Certiorar, to call for the entire records relating to the impugned order dated 11.10.2012 in Na.Ka.No.29/2012 passed by the 4<sup>th</sup> respondent herein and quash the same in respect of the petitioner herein.



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For Petitioner : Mr.L.Mouli

For Respondents : Mr.C.Sangamithirai for R1 to R4  
Special Government Pleader

### **ORDER**

The above writ petition has been filed challenging the order of the fourth respondent in stoppage of one day salary on the ground that the attendance register of the School on 11.10.2012 shows the petitioner was absent.

2.Heard Mr.L.Mouli, learned counsel for the petitioner and Mr.C.Sangamithirai, learned Special Government Pleader appearing for the respondents.

3.A perusal of the impugned order would show such an order has been passed based on the oral directions issued by the second respondent herein. The impugned order has been passed without issuing any show-cause notice calling for any explanation from the petitioner. This is a violation of principles of natural justice.

4.In view of the above, the order passed by the fourth respondent dated 11.10.2012 is set aside.



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5. With the above direction, the writ petition is allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No  
Speaking Order/Non-Speaking Order  
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**K.KUMARESH BABU, J.**

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To

- 1.The Commissioner,  
Adi-Dravidar and Tribal Welfare Department,  
Chennai – 5.
- 2.The Joint Director (Adult Education),  
Directorate of School Education,  
Chennai – 6.
- 3.The District Adi-Dravidar and Tribal Welfare Officer,  
Udhagamandalam,  
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