



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.02.2022

DELIVERED ON : 22.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

W.P.NO.30225 OF 2019
AND
W.M.P.NOS.30197 & 30198 OF 2019

Dhanalakshmi

... Petitioner

Vs.

1. State represented by
Additional Chief Secretary,
Home Secretary, Home Department,
Secretariat, Chennai - 9.
2. The District Collector,
Thiruvallur, Thiruvallur District.
3. The Superintendent of Police,
Thiruvallur, Thiruvallur District.

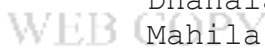
... Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records made in the impugned order in G.O.Ms.No.1214, dated 16.10.2019 on the file of 1st respondent herein and quash the same and pass orders permitting the petitioner to continue the position as Special Public Prosecutor, Fast Track, Mahila Court, Thiruvallur.

For Appellant : Mr.P.Subba Reddy

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader





persons claimed of assured acquittal due to the assurance given by the petitioner.

iv. The second respondent had given the petitioner an opportunity to explain herself.

v. The post was a temporary one and there was no hard and fast rule as to the prior notice for termination. She was even now eligible for claiming the one month retainer fee in lieu of one month notice.

vi. Her moral turpitude and integrity were found to be seriously adverse and her termination cannot be challenged.

4. Heard, Mr. P. Subba Reddy, learned counsel appearing for the petitioner and Mrs. V. Yamuna Devi, learned Special Government Pleader appearing for the respondents.

5. On perusal of all the records presented before this Court we find the following facts :

i. The second respondent did not merely rely on the complaint letter dated 13.06.2019 preferred by Thiruvallur Advocates Association.

ii. The second respondent wrote to the Superintendent of Police vide letter dated 09.07.2019 to find out the truth of the allegations made against the petitioner.

iii. The Superintendent of Police vide his letter dated 20.09.2019 had verified the facts and stated that the allegations of corruption made against the petitioner was true and that she had also misused her position by extracting menial work from the police constables on Court duty. It was also brought to light that on 04.07.2019 there was a 'road roko' agitation by the Advocates in front of the Mahila Court seeking removal of the petitioner from her post.

iv. The District Collector in turn wrote to the first respondent on 04.10.2019 stating the facts and the findings of the Superintendent of Police with specific cases of the petitioner's abuse of power. She had recommended for disciplinary action as deemed fit.

v. The specific case of special S.C.No.18/2015 was a POCSO case in which the petitioner had received illegal gratification from the accused and ensured their acquittal on flimsy grounds was referred to by the District Collector in her letter.



vi. The letter dated 26.09.2019 addressed to the second respondent by the third respondent listed out as many as 18 cases of murder, POCSO, rape, dacoity etc. which ended in acquittal for want of evidence.

WEB COPY

vii. In another letter from the third respondent to the second respondent he had also enclosed complaints and statements made by one Murali on 01.10.2019 and by one Stephie on 30.09.2019 about the corrupt practices of the petitioner and how their cases were lost by the prosecution due to the petitioner. In both the cases, under POCSO Act, the petitioner as Special Public Prosecutor had tried to convince the victim and their parents, to compromise with the accused by receiving compensation. This act of hers was in itself a crime against the society and her continuance in the post would result in gross miscarriage of justice for the victims of such serious offences.

6. The petitioner in her letter dated 11.07.2019 to the Hon'ble Minister for Law, Tamil Nadu Government, had blamed a particular Advocate belonging to a political party who threatened her of dire consequences if she pursues prosecution case in special S.C.No.34 of 2017 for all the controversies. She also states that she belongs to the then ruling party and that political rivalry also was a cause to the happening. Giving a political colour seems to be the best way out. In special S.C.No.34 of 2017, the acquittal by the trial Court was reversed by this Court in Crl.A.No.154/2021. In this case the Public Prosecutor failed to adduce any evidence for the age of the victim due to which the trial Court had concluded that the sexual act was consensual and that the victim was not a minor. This Court had to reverse the acquittal.

7. A famous quote is "truth is like the sun. You can shut it out for a time, but it aint going away". The petitioner was the Government advocate. Every advocate is a court officer and part and parcel of the justice delivery system. The public reposes great faith in the judiciary but the judges have to rely on their pillars, the advocates. The Government advocate being the representative of the Government has to act in a honest manner. If he / she goes around with the intention to make money at the cost of justice, only chaos will prevail. It is seen from the records that the petitioner was demanding bribes from the accused and acted like an extra constitutional authority attempting to fix up compromises in serious cases of offence and this caused a serious dent in the justice delivery system. The records speak for themselves. The written complaint by the aggrieved also had credibility to her misconduct. Her appointment was temporary. She was given a fair opportunity to defend herself. There is no violation of natural justice nor any



fundamental rights enshrined under Article 14, 16 and 21 of the Constitution.

8. In the result, this writ petition is dismissed. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mtl

To

1. State represented by
Additional Chief Secretary,
Home Secretary, Home Department,
Secretariat, Chennai - 9.
2. The District Collector,
Thiruvallur, Thiruvallur District.
3. The Superintendent of Police,
Thiruvallur, Thiruvallur District.

+1cc to Mr.P.Subba Reddy, Advocate, S.R.No.19280
+1cc to the Special Government Pleader, S.R.No.19519

W.P.No.30225 of 2019
and W.M.P.Nos.30197 & 30198 of 2019

SKM(CO)
PM/04/04/2022