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W.A.Nos.2442, 2455, 2456, 2458, 2461, 2467, 2473 & 248:



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM:

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
and
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**W.A.Nos.2442, 2455, 2456, 2458, 2461, 2467, 2473 & 2482 of 2019
and C.M.P.Nos.16036, 16089, 16092, 16136, 16158,
16186, 16190 & 16204 of 2019
and C.M.P.Nos.8089, 8180, 8190, 8194, 8202, 8207, 8211 & 8240 of 2022**

K.Prakash	...Appellant in W.A.No.2442/2019
P.Devarasu	...Appellant in W.A.No.2455/2019
T.Sumathi	...Appellant in W.A.No.2456/2019
M.Santhosam	...Appellant in W.A.No.2458/2019
K.Amirunnisa	...Appellant in W.A.No.2461/2019
K.Velu	...Appellant in W.A.No.2467/2019
K.Saiyath Musthafa	...Appellant in W.A.No.2473/2019
K.Vetharaja Balson	...Appellant in W.A.No.2473/2019

VS.

1.The Director,
Directorate of Government Examinations,
DPI Campus, College Road,
Nungambakkam,
Chennai – 600 006.

2.The Joint Director,
State Council of Educational Research and
Training Tamil Nadu,
College Road,
DPI Campus,
Chennai – 600 006.

3.The Principal,
District Institute of Education and Training (DIET),
DIET Kurukathi,
Nagapattinam District.

...Respondents in all appeals



W.A.Nos.2442, 2455, 2456, 2458, 2461, 2467, 2473 & 248.

Prayer in W.A.No.2442/2019: Writ Appeal filed under Clause 15 of the Letters Patent, against the order passed by the learned Single Judge in W.P.No.17146 of 2019 dated 20.06.2019 and to set aside the same.

Prayer in W.A.No.2455/2019: Writ Appeal filed under Clause 15 of the Letters Patent, against the order passed by the learned Single Judge in W.P.No.17153 of 2019 dated 20.06.2019 and to set aside the same.

Prayer in W.A.No.2456/2019: Writ Appeal filed under Clause 15 of the Letters Patent, against the order passed by the learned Single Judge in W.P.No.17158 of 2019 dated 20.06.2019 and to set aside the same.

Prayer in W.A.No.2458/2019: Writ Appeal filed under Clause 15 of the Letters Patent, against the order passed by the learned Single Judge in W.P.No.17072 of 2019 dated 20.06.2019 and to set aside the same.

Prayer in W.A.No.2461/2019: Writ Appeal filed under Clause 15 of the Letters Patent, against the order passed by the learned Single Judge in W.P.No.17227 of 2019 dated 20.06.2019 and to set aside the same.



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Prayer in W.A.No.2467/2019: Writ Appeal filed under Clause 15 of the Letters Patent, against the order passed by the learned Single Judge in W.P.No.17142 of 2019 dated 20.06.2019 and to set aside the same.

Prayer in W.A.No.2473/2019: Writ Appeal filed under Clause 15 of the Letters Patent, against the order passed by the learned Single Judge in W.P.No.17075 of 2019 dated 20.06.2019 and to set aside the same.

Prayer in W.A.No.2482/2019: Writ Appeal filed under Clause 15 of the Letters Patent, against the order passed by the learned Single Judge in W.P.No.17149 of 2019 dated 20.06.2019 and to set aside the same.

For Appellants in all appeals : Mr.B.Saravanan

For Respondents in all appeals : Mr.P.Muthukumar
Additional Advocate General
Assisted by Mr.Kumaravel
Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by K.KUMARESH BABU, J.)

These Intra Court Appeals have been preferred by the unsuccessful petitioners wherein their challenged to the charge memos have been negatived by the learned Single Judge.



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2.Heard Mr.B.Saravanan, learned counsel for the appellants and Mr.P.Muthukumar, learned Additional Advocate General assisted by Mr.Kumaravel, learned Additional Government Pleader for the respondents.

3.Mr.B.Saravanan, learned counsel appearing for the appellants would submit that the appellants all have been involved in a paper correction and have been issued with charge memos alleging that they were all negligent in evaluating the papers. He would submit that what had been alleged in the charge memos are only negligence. He would submit that in evaluating the papers, there can be no negligence and the papers have been evaluated on the basis of the assessment made by the individuals. He would further submit that there are no allegations of moral turpitude in such negligence for a charge memo to be issued. He would submit the further allegation is that in the second evaluation, the evaluation of the appellants have been found to be at fault. He would submit that if the second examiner had evaluated the paper wrongly, the petitioners cannot be found to be negligent. He would further contend that there has been a failure on the part of the respondents to furnish the disputed answer scripts along with the charge memos which put the appellants at a disadvantage for them to reply to the said charge memos. He would further contend that these aspects had not been looked into by the learned Single Judge while passing the impugned order and therefore, he would seek interference of this Court.



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4. Countering his arguments, Mr. P. Muthukumar, learned Additional Advocate General appearing for the respondents would submit that the grounds raised by the appellants are all on the merits of the charge memos. He would submit that the charge memo can only be questioned when there is an error in jurisdiction or Authority or malice. These are not the grounds that had been raised by the appellants for this Court to interfere at this length of time. He would submit that the issues can always be raised by the appellants during the course of the enquiries and the Disciplinary Authority can consider the case on merits and hence, he would seek dismissal of the Intra Court Appeals.

5. We have considered the rival submission made by the learned counsel appearing on either side and perused the materials available on record.

6. What had been challenged before this Court is the charge memos that had been served upon the respective appellants. As rightly pointed out by the learned Additional Advocate General, the learned counsel for the appellants seek to attack the charge memos on its merits. It is not the case of the appellants that the charge memos had been issued by an Authority who is not authorized or the same is without jurisdiction. Further, there is no malice alleged either against any officer or even a malice in law. It is always open to the appellants to raise all the contentions that had been raised before us during the course of the Disciplinary

Proceedings.



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7. In such circumstances, we do not find any infirmity in the orders passed by the learned Single Judge.

8. In fine, the Writ Appeals fail and are dismissed accordingly. The appellants are at liberty to raise all the points that had been raised before us, before the Disciplinary Authority. Further considering the fact that the Disciplinary Proceedings have been kept pending for a long time, the Disciplinary Authority is directed to complete the Disciplinary Proceedings within a period of three months from the date of receipt of a copy of this judgment. It is needless to state that the appellants shall coordinate with the Disciplinary Proceedings to meet its logical conclusion within the stipulated period. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.K.,J.) (K.B.,J.)
01.02.2024

Index: yes/no
Speaking order: yes/no
Neutral Citation: yes/no
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To

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- 1.The Director,
Directorate of Government Examinations,
DPI Campus, College Road,
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Chennai – 600 006.
- 2.The Joint Director,
State Council of Educational Research and
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R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

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2467, 2473 & 2482 of 2019

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