



W.P(MD)No.5070 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.12.2024

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.5070 of 2019 and  
WMP(MD) No.4044 of 2019

B.Kohila

... Petitioner

Vs

- 1.The Chief Educational Officer,  
O/o. the Chief Educational Officer,  
Collectorate Campus,  
Ramanathapuram,  
Ramanathapuram District.
- 2.R.Murugan,  
The Chief Educational Officer,  
O/o. the Chief Educational Officer,  
Collectorate Campus,  
Ramanathapuram,  
Ramanathapuram District.
- 3.The Head Master,  
Government Higher Secondary School,  
Mandabam Camp,  
Mandabam,  
Ramanathapuram District.



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4. T.Velmurugan,  
The Headmaster,  
Government Higher Secondary School,  
Mandabam Camp,  
Mandabam,  
Ramanathapuram District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No. 038/Aa5/2019 dated 07.02.2019 and quash the same as illegal and consequently to direct the respondents to include the name of the petitioner in the panel of B.T. Assistant (Social Science) fit for promotion to the post of P.G. Assistant(Economics) for the year 2019-2020 within the period that may be stipulated by this Court.

|                |                                                     |
|----------------|-----------------------------------------------------|
| For Petitioner | : Mr.C.Venkatesh Kumar for<br>M/s. Ajmal Associates |
| For R1 & R3    | : Mr. P.T.Thiraviam<br>Government Advocate          |
| For R2 & R4    | : No Appearance                                     |

## **ORDER**

Challenging the order of punishment imposed on the petitioner, she has filed this writ petition in the year 2019.



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2.The petitioner, who was working as B.T.Assistant (Social Science) in Government Higher Secondary School, Mandapam Camp, Mandabam, Ramanthapuram has been issued with a charge memo on 09.01.2019, by the Chief Educational Officer, Ramanathapuram, under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal)Rules, 1955, on certain allegations. The petitioner has submitted an explanation on 29.01.2019, denying the charges levelled as against her. According to the petitioner, without considering her explanation, the order of punishment of "Censure" has been imposed by the Chief Educational Officer, Ramanathapuram in his proceedings in Na.Ka.No. 038/Aa5/2019 dated 07.02.2019 and the same is under challenge in this writ petition.

3.The learned counsel appearing for the petitioner submits that on flimsy reasons, a charge memo has been issued to this petitioner on 09.01.2019. The petitioner has rendered 23 years of service in the third respondent School without any complaint. However, on personal grudge and vengeance, the Head Master has made a complaint on this petitioner. The learned counsel further submits that the petitioner is



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eligible for promotion to the post of P.G. Assistant (Economics) and at this stage, the order of punishment has been imposed. Therefore, the learned counsel for the petitioner requests to quash the order of punishment and to direct respondents 1 & 3 to include the petitioner's name for the promotion panel of the year 2019-2020.

4.The learned Government Advocate appearing for the respondents 1 & 3 submits that based on the complaints received from the Head Master, Co-teachers and the students of Government Higher Secondary School, Mandabam, a charge memo was issued to this petitioner, under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 on 09.01.2019, calling for her explanation. Being not satisfied with the explanation submitted by the petitioner on 29.01.2019, the first respondent/Disciplinary authority has conducted an enquiry and after perusing the materials and documents placed before him, an order of punishment of Censure has been imposed on the petitioner, adhering the due procedure enumerated in Tamil Nadu Civil Servant (Discipline and Appeal) Rules. Therefore, there is no need to interfere with the order of punishment.



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5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner, a B.T.Assistant (Social Science) in Government Higher Secondary School, Mandapam Camp, Mandabam, Ramanthapuram was facing charges under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 on certain allegations. After conducting an enquiry, the petitioner was imposed with a punishment of censure. The petitioner claims that though she has offered an explanation, the same was not considered by the Chief Educational Officer, before passing the order of punishment. On the side of the respondents, it is stated that on certain irregularities and on complaints received from the Headmasters and Co-teachers, a charge memo has been issued to the petitioner on 09.01.2019. She was permitted to offer her explanation and it was received on 29.01.2019, an enquiry was conducted, not satisfied with the explanation offered by the petitioner, the punishment of censure has been imposed on her. The procedure contemplated under the Tamil Nadu Civil Servant



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(Discipline and Appeal) Rules has been properly followed before passing the order of punishment. It appears that the petitioner has been imposed with a punishment for the charges of insubordination.

7.The scope of judicial review in matters relating to disciplinary proceedings is very limited. It is meant to ascertain as to whether due process was followed and whether a fair opportunity was accorded to the employee concerned. The power of Courts is limited to reviewing the decision making process, rather than the merits of the decision itself. This is to ensure fairness in treatment and not the fairness of the conclusion. The Courts should not interfere with the findings of the fact arrived at in the departmental enquiry proceedings, except in cases of mala fide or perversity.

8. This Court is of the view that there is no such violation in conducting the enquiry by the Department. Since this Court is not inclined to interfere with the order of punishment, there is no question of considering the consequential prayer of the petitioner for promotion.



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9. Accordingly, this writ petition is dismissed. No costs.

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Consequently, connected Miscellaneous Petition is closed.

**10.12.2024**

NCC: Yes/No  
Index: Yes  
vrn



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**B.PUGALENDHI, J.**

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**Order made in**  
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