



W.P.(MD).No.13660 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13660 of 2024

and

W.M.P.(MD)Nos.12036 and 12037 of 2024

R.Velmurugan

...Petitioner

Vs

1.The Joint Director of School Education,
(Higher Secondary),
Office of the Joint Director of School Education,
Chepauk, Chennai.

2.The Chief Educational Officer,
Office of the Chief Educational Office,
Virudhunagar District.

3.The Head Master,
Government Higher Secondary School,
Shathirareddiyapatti,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings bearing Na.Ka.No. 077137/W2/E3/2023 dated 30.04.2024 issued by the first respondent and quash the same.



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For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

Heard Mr.M.Gnanagurunathan, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents.

2. This Writ Petition has been filed seeking to quash the order of punishment imposed by the first respondent against the petitioner dated 30.04.2024.

3. Mr.M.Gnanagurunathan, learned counsel for the petitioner submitted that the petitioner who has been working as Post Graduate Assistant (Biology) in the third respondent School, has been issued with the charge memo dated 22.03.2022. Consequent to that, the disciplinary proceedings have been initiated against the petitioner and at the conclusion, the petitioner has been imposed with the punishment of



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stoppage of increment for two years with cumulative effect by the second respondent vide order dated 26.10.2022. As against the same, an appeal was preferred by the petitioner on 01.12.2023 and the same was rejected by the first respondent vide order dated 18.12.2023 stating that the appeal has been filed beyond the period of limitation. Challenging the same, the petitioner preferred a Writ Petition in W.P.(MD)No.889 of 2024 and the same was allowed vide order dated 08.02.2024, by setting aside the order dated 18.12.2023. As per the direction of this Court, the appeal filed by the petitioner was taken up for hearing and thereafter it was dismissed. Now, the present petition is filed challenging the order of punishment which has been modified as stoppage of increment for a period of one year without cumulative effect, passed by the first respondent vide order dated 30.04.2024.

4. The learned counsel for the petitioner submitted that the petitioner has not been given with proper hearing and the order passed in the appeal is a non speaking one.



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5. On perusal of the impugned order dated 30.04.2024, it is seen that the appellate authority is just reproduce the findings of the enquiry officer and confirmed the punishment without assigning any reasons. When an appeal is filed, the appellate authority is duty bound to examine the grounds of the appeal and discuss about the appreciation of the same and then reasons for the conclusion.

6. In the impugned order, it is seen that the first respondent did not follow the above procedure and has simply rejected the appeal by reproducing the findings and confirmed the punishment imposed by the appropriate authority.

7. I feel it is appropriate to remit back the matter to the appellate authority, in order to give a fresh look into the appeal.

8. In view of the above observations, this Writ Petition is **disposed of** and the impugned order dated 30.04.2024 is set aside. The first respondent is directed to reconsider the appeal afresh and pass an order



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afresh, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

04.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Joint Director of School Education,
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R.N.MANJULA, J.

Nsr

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