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**W.P.(MD) No.16097 of 2018**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.09.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.(MD) No.16097 of 2018**

**and**

**W.M.P.(MD) No.14340 of 2018**

Gokilapandian

... Petitioner

-vs-

1.The Director of Elementary Education  
College Road, D.P.I.Complex  
Chennai-600 006

2.The District Educational Officer  
Office of District Educational Office  
Allinagaram, Theni District-625 531

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the entire records pertaining to the impugned order passed by the second respondent vide Na.Ka.No.2487/A5/2016 dated 12.09.2017 and quash the same as illegal.

For Petitioner : Mr.M.Karuppasamy Pandian

For Respondents : Mr.T.Amjad Khan  
Government Advocate



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**ORDER**

The petitioner has challenged the impugned order, dated 12.09.2017, passed by the second respondent, in this writ petition.

**2.** Under the impugned order, the second respondent has imposed a punishment of censure on the petitioner for the alleged irregularity committed by him, while recording the leave of his superior Jansi Rani in the attendance register.

**3.** Disciplinary proceedings were initiated against the petitioner, on the ground that he had committed an irregularity in recording the casual leave for Jansi Rani, who was the Headmistress of the school. The petitioner was the seniormost teacher and in the absence of the said Jansi Rani, he was authorized to maintain the school registers.

**4.** A charge memo was issued to the petitioner in the departmental disciplinary proceedings, which was suitably replied by the petitioner. However, the Enquiry Officer, who conducted the enquiry, held that the charges framed against the petitioner have been proved. Based on



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the same, the impugned order dated 12.09.2017 came to be passed by the second respondent imposing a punishment of censure on the petitioner for fabricating the attendance register in respect of the casual leave availed by his superior Jansi Rani.

**5.** The petitioner contends that the said Jansi Rani was also charged with the same set of charges as that of him. However, the second respondent has dropped the charges levelled against the said Jansi Rani, but chosen not to drop the charges levelled against the petitioner.

**6.** Learned counsel for the petitioner drew the attention of this Court to the copy of the attendance register filed along with this writ petition and would submit that it is clear that the petitioner has in fact recorded the casual leave of the Headmistress of the school, namely, Jansi Rani correctly and there is no fabrication on the same.

**7.** To ascertain the truth, this Court, by order dated 03.09.2024, directed the learned Government Advocate appearing for the respondents to produce the original attendance register of the school pertaining to the said



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Jansi Rani, Headmistress. Pursuant to the said direction, the learned Government Advocate appearing for the respondents has produced the original attendance register of the school before this Court today.

**8.** As seen from the attendant register (original), the petitioner has recorded the casual leave sought for by the said Jansi Rani in the attendance register and only by overwriting the same, the “absent” endorsement is found. The petitioner categorically contends that the “absent” endorsement was never made by him, but it was made only by the second respondent. It is evident from the original attendance register that only by overwriting the entry of “casual leave” endorsement (தவி), the “absent” endorsement has been written. However, the respondents have failed to take note of the said fact by total non-application of mind. Jansi Rani, Headmistress of the school, against whom also disciplinary proceedings were initiated by the respondents, however, for the reasons best known to them, the disciplinary proceedings have been dropped against her. But, they have decided to proceed only against the petitioner herein. When it is evident from the face of the record (attendance register) that the petitioner has not committed any irregularity with regard to the recording of casual leave for the leave availed by the said Jansi Rani in the



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attendance register, the respondents ought to have exonerated the petitioner. However, the respondents have imposed a punishment of censure on the petitioner under the impugned order by total non-application of mind. Since the impugned punishment order of censure has been passed by total non-application of mind to the fact that the petitioner has not committed any irregularity, while recording the casual leave of the said Jansi Rani, which is evident from the original attendance register produced by the learned Government Advocate appearing for the respondents, necessarily, the impugned order, dated 12.09.2017, passed by the second respondent, has to be quashed and this writ petition will have to be allowed.

**9.** Accordingly, the impugned order, dated 12.09.2017, passed by the second respondent, is hereby quashed and this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

**26.09.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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**ABDUL QUDDHOSE, J.**

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**26.09.2024**