



WEB COPY



W.P.No.875 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.875 of 2024
and W.M.P.Nos.904 of 2024

R.Binduja

... Petitioner

Vs

1.The Assistant Director (Incharge)
Office of the Assistant Directorate Government Examinations
Tiruvallur-602 011.

2.Chief Educational Officer
Office of the Chief Educational Officer
Tiruvallur-602 001.

3.The Headmistress
Government Higher Secondary School
Vengal, Tiruvallur District-601 103.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus after calling for the concerned records from the 2nd and 3rd Respondent, quash the order of the 2nd Respondent dated 15.11.2023 bearing Na.Ka.No.5575/B1/2023 and the order of the 3rd Respondent dated 27.12.2023 bearing Na.Ka.No.86/22023 served on the Petitioner on 27.12.2023 as illegal, arbitrary and contrary to law and consequently direct the Respondents to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits.



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For Petitioner : Mr.S.Sadasharam

For Respondents : Mr.S.Prabhakaran,
Government Advocate.

ORDER

Aggrieved by the order of termination passed by the 2nd respondent and the consequential relieving order issued by the 3rd respondent in and by which, the petitioner has been removed from the services of the 3rd respondent, the present Writ Petition has been filed.

2. The petitioner was appointed as B.T. Assistant in the 3rd respondent School on 20.02.2008. Subsequently, a show cause notice dated 02.09.2022 was issued to the petitioner alleging that she had forged the marks obtained in the Mathematics subject in her 12th Standard Marksheet. In this Connection, an FIR was registered against the petitioner in Crime No.54 of 2022 for the offences under Section 420, 465, 468 and 471 of IPC. Thereafter, the petitioner filed CrI.O.P.No.27653 of 2022 seeking anticipatory bail which was granted by this Court vide order dated 09.12.2022 granted anticipatory bail to the petitioner.

3. It is the further case of the petitioner that, on 02.01.2023, when the petitioner submitted the leave letter dated 28.12.2022 in person, the 3rd respondent had refused to receive the same and did not permit her to join the duty which prompted the petitioner to file a Writ Petition before this Court in



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W.P.No.3929 of 2023. Pursuant to the directions of this Court in the said petition, the petitioner was permitted to rejoin the duty. Thereafter, the petitioner was placed under suspension by order dated 23.03.2023 and paid subsistence allowance, the petitioner was removed from service by impugned order dated 15.11.2023 passed by the 2nd respondent followed by a consequential relieving order dated 27.12.2023. Challenging the same, the present Writ Petition has been filed.

4. Learned counsel appearing for the Petitioner submitted that the impugned order of termination is in gross violation of principles of natural justice as no sufficient opportunity of hearing was given to the petitioner prior to passing of the same nor any charge memo was issued in that regard thereby denying the opportunity of hearing to the petitioner. It was further submitted that the said order is contrary to the provisions of Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955. Accordingly, he prayed for allowing the Writ Petition.

5. Learned Government Advocate appearing for the respondents fairly conceded that the disciplinary proceedings were not concluded in terms of Section 17(a) of (b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955 before prior to the passing of the impugned order of termination, and therefore, this Court may set aside the impugned order and remit the matter back to the competent authority to conclude the Disciplinary Proceedings in



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accordance with law.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. Considering the fact that, though, a criminal case was initiated against the petitioner by the District Crime Branch, however, as on date, there is no criminal case pending against the petitioner. Therefore, there is no legal impediment for the respondents to reinstate the petitioner into service. Further, in view of the fact that the order of termination has been passed without affording sufficient opportunity of hearing to the petitioner which is in gross violation of principles of natural justice. Such termination being contrary to the provisions of the Tamil Nadu Civil Services (Disciplinary and Appeal) rules, 1955, the impugned order passed by the 2nd respondent is liable to be quashed.

8. Accordingly, the Writ Petition is allowed by setting aside the impugned order dated 15.11.2023 and the consequential relieving order dated 27.12.2023 and further directing the respondents to reinstate the petitioner into service within a period of two (2) weeks from the date of receipt of a copy of this order. However, the respondents are at liberty to proceed against the petitioner strictly in terms of Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955 in



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the event any criminal case is registered against the petitioner. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs

To

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M.DHANDAPANI, J

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