

W.P.Nos.2386 & 2388 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos.2386 & 2388 of 2025

and

W.M.P.Nos.2699 & 2700 of 2025

W.P.No.2386 of 2025:

Deepa

... Petitioner

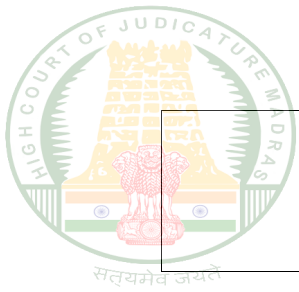
Vs.

1.The Principal District and Sessions Judge,
Tiruvannamalai District, Tiruvannamalai.

2.The Inquiry Officer/ Principal Sub Judge,
Tiruvannamalai District, Tiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamu, directing the 1st respondent to examine two accused in STC No.42 of 2023 and STC No.87 of 2023, which was pending on the file of Judicial Magistrate Court, Kalsapakkam, Tiruvannamalai District, before passing any orders on the Departmental proceedings/ departmental inquiry initiated by the 1st respondent pursuant to enquiry report submitted by the 2nd respondent dated 20.12.2024.



W.P.Nos.2386 & 2388 of 2025

WEB.COM **W.P.No.2388 of 2025:**

Deepa

... Petitioner

Vs.

The Principal District and Sessions Judge,
Tiruvannamalai District, Tiruvannamalai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India parying to issue a Writ of Mandamu, directing the 1st respondent to transfer the Departmental proceedings against the petitioner pending on the file of the 1st respondent pursuant to the Official Memorandum dated 03.01.2025 in Dis.No.82 of 2025, to any other District Court to ensure free and fair conduct of proceedings.

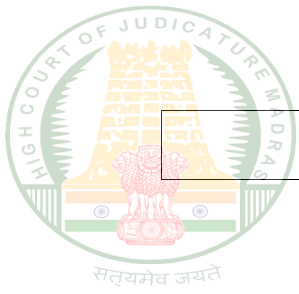
For Petitioner in both WPs : Mr.K.S.Navin Balaji

For Respondents in both WPs : Ms.B.Poongkhulali

COMMON ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

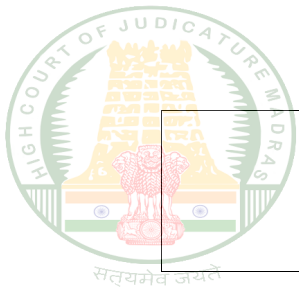
The prayer in the Writ Petition is for a Mandamus directing the disciplinary Authority to enquire certain witnesses before passing the final orders.



WEB COPY 2. The petitioner who was working as a Head Clerk in the Court was charged with dereliction of duty in as much as she did not deposit the entire fine amount collected by her. An enquiry officer was appointed and he has also filed a report. It is the contention of the petitioner that she wanted to examine two individuals, who were accused in two cases to find out as to what exactly was the fine amount that was deposited by them.

3. According to the learned counsel appearing for the petitioner, the enquiry officer did not take steps to examine those two individuals, but, went ahead with the enquiry and filed a report. The enquiry report is now in the hands of the disciplinary Authority, who has to take action based on the enquiry report.

4. The second show cause notice has also been issued on the petitioner on 03.01.2025. It is open to the petitioner to raise all these issues in the explanation that is to be submitted by her to the second show cause notice and if there is any failure on the part of the enquiring authority to examine any witness, it is well open to the petitioner to take advantage of such non-examination.



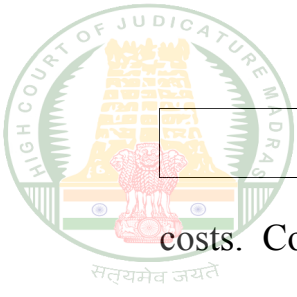
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5. This Court sitting under Article 226 of the Constitution of India, cannot issue a writ of mandamus to the enquiry officer or the disciplinary Authority as to how to conduct the enquiry. It is open to the disciplinary Authority to conduct the proceedings in the manner they like, at times even against the principles set out for conduct of disciplinary enquiry. It will be open to the petitioner to take advantage of such mishaps. Hence, we see no merit in this Writ Petition.

6. The prayer in the Writ Petition in W.P.No.2388 of 2025 is for transfer of investigation.

7. The enquiry is already over and enquiry report has already been filed. Transfer is sought for on the ground that the 1st respondent has filed a counter in the matter which was disposed of. That by itself will not afford a ground for transfer of disciplinary proceedings from the 1st respondent to any other District.

8. The Writ Petitions therefore fail and are accordingly dismissed. No



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costs. Consequently, the connected miscellaneous petitions are closed.

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(R.S.M.,J.) (G.A.M.,J.)
21.03.2025

dsa

Index : No

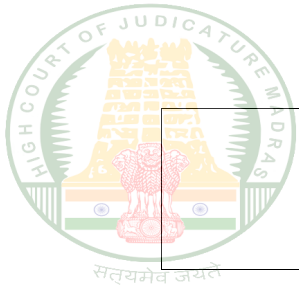
Neutral Citation : No

Speaking order

To

1.The Principal District and Sessions Judge,
Tiruvannamalai District, Tiruvannamalai.

2.The Inquiry Officer/ Principal Sub Judge,
Tiruvannamalai District, Tiruvannamalai.



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R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

dsa

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