



W.P.No.20482 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.20482 of 2025

and

W.M.P.No.23122 of 2025

P.Senthil

... Petitioner

Vs.

The Director of School Education,
School Education Directorate,
College Road,
Chennai 600 006.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent herein in his proceedings in Na.Ka.No.22166/C1/E2/2021 dated 20.02.2025 and quash the same.

For Petitioner

: Mr.G.Bala
for M/s.G.Bala and Daisy

For Respondent

: Mrs.Mythreye Chandru
Special Government Pleader



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ORDER

By consent of both the learned counsel for the parties, the Writ Petition is taken up for final disposal, at the admission stage itself.

2. The instant writ petition has been filed with a prayer for issuing a Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent herein in his proceedings in Na.Ka.No.22166/C1/E2/2021 dated 20.02.2025 and quash the same.

3. Heard the learned counsel for both sides and perused the materials available on record.

4. The learned counsel for the petitioner would submit that the petitioner has joined in the Government Services as B.T. Assistant on 07.07.1997 and he was promoted as Head Master on 29.06.2012. The only grievance urged by the petitioner is that the Charge Memorandum dated 20.02.2025 issued by the respondent does not include the list of witnesses through whom the charges are proved. Though it is the submission of the



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petitioner that the charge memorandum is vague, now his only grievance is that the non-inclusion of the witnesses to give effective explanation to the charge memorandum. The learned counsel also relied on the judgment of the Division Bench of this Court in ***S.Balasubramanian vs. The District Collector, Salem District*** (W.A.No.2924 of 2019, dated 12.09.2019).

5. At this juncture, the learned Special Government Pleader appearing for the respondent would submit that they would issue a fresh charge memorandum, however, it is her contention that a time limit may be fixed so as to dispose the pending disciplinary proceedings, within a reasonable time and she also seeks the indulgence of this Court to direct the petitioner to cooperate with the disciplinary proceedings.

6. I have given my anxious consideration to the submissions made on either side.

7. While looking at the charge memorandum, as rightly contended by the learned counsel for the petitioner there is no reference about the witnesses names through whom, they are going to prove the charges. In this



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connection, the learned counsel for the petitioner would rely upon the judgment of the Division Bench of this Court in ***S.Balasubramanian vs. The District Collector, Salem District*** (W.A.No.2924 of 2019, dated 12.09.2019), wherein the Division Bench after referring about Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, had held that when statute provides certain things to be done in a certain manner, any deviation has to be necessarily precluded. Therefore, it is mandatory on the part of the Disciplinary Authority to refer as to through whom, they are going to prove the charges.

8. Apparently the charge memorandum does not reflect the list of witnesses, which factum was fairly admitted by the learned Special Government Pleader appearing for the respondent. At this juncture, the learned Special Government Pleader appearing for the respondent would submit that they would give the list of witnesses.

9. In such view of the matter and taking into consideration of the petitioner's explanation dated 11.03.2025, this Court deems it appropriate to direct the respondent to furnish the list of witnesses to the petitioner, within a



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period of two weeks from the date of receipt of copy of this order. On such receipt, if the petitioner wants to give for the explanation, he is at liberty to give the same within a period of 7 days from the date of receipt of the list. Further, the respondent is directed to conclude the Disciplinary Proceedings, within a period of three months, thereafter. The petitioner is directed to co-operate with the Disciplinary Proceedings.

10. Accordingly, the Writ Petition is disposed of. No costs.
Consequently, the connected writ miscellaneous petition is closed.

30.06.2025

Index : Yes/No
Speaking order
Neutral Citation : Yes/No
dm

To

The Director of School Education,
School Education Directorate,
College Road,
Chennai 600 006.



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C.KUMARAPPAN, J.

dm

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