



WEB COPY



W.P.No.20069 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.20069 of 2019

B.Prabhu Shankar

... Petitioner

vs

1. The Joint Director of School Education (P-I)
Directorate of School Education,
Chennai – 6.

2. The Chief Educational Officer,
Erode District,
Erode.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the second respondent herein in M.M.No.7949/B2/2014 dated .04.2019 and quash the same.

For Petitioner : Mr.N.Balamuralikrishnan
For Respondents : Ms.A.Bakkiyalakshmi
Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing on behalf of the respondents and perused the records.

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2. The case of the petitioner in brief is that though he was issued with the charge memo containing four articles of charge; that an Enquiry Officer was appointed to conduct enquiry in the aforesaid articles of charge; that the enquiry officer after conducting enquiry submitted his report dated 26.05.2018; and that the same said Officer who had conducted enquiry, on being appointed as Chief Educational Officer, had issued the impugned order, by which, petitioner is visited with the punishment of stoppage of increment for one year.

3. It is contended that since, the Enquiry Officer as well as the Disciplinary Authority who had imposed punishment are one and the same, the impugned proceedings are vitiated.

4. *Per contra*, the learned Government Advocate appearing on behalf of the respondent while not disputing that the impugned order is passed by the Authority who acted as enquiry officer, however, submitted that on account of promotion, the Enquiry Officer was appointed as Chief Educational Officer; and that in the capacity of Chief Educational Officer, the impugned order has been passed. Contenting as above, the learned Government Advocate supports the impugned order.



5. I have taken note of the respective contentions as urged.

6. On a similar issue falling for consideration, this Court, in W.P.No.20258 of 2019 dated 17.09.2025, taking note of the fact that the Enquiry Officer who was appointed, to conduct enquiry into the charge memo, having submitted a report thereon, cannot act as a disciplinary authority, by accepting the report submitted by himself, had by applying the doctrine no body can be judge in his own case, set aside the order impugned therein.

7. Since, the facts of the present case are akin to the issue decided by this Court in the aforementioned Writ Petition and as it is not disputed by the learned Government Advocate appearing on behalf of the respondent that the Enquiry Officer and disciplinary authority who passed the impugned order are one and the same, this Court is of the view that the disciplinary authority had acted as a Judge in his own case, which is not permitted in law and as such, the impugned order cannot be sustained.

8. Accordingly, this Writ Petition is allowed and the impugned order passed by the second respondent in M.M.No.7949/B2/2014 dated .04.2019 is set aside. No costs.



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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

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T. VINOD KUMAR, J.

dh

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