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W.P.No.29368 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

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THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.No.29368 of 2025
and
W.M.P.No.32904 of 2025

V.Sridhar

... Petitioner

Vs.

1.The State of Tamil Nadu
Secretary to the State Government,
Social Welfare and Department of Women,
Chennai-09.

2.The Social Welfare Commissioner,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai- 05.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the proceedings of the 2nd respondent's order dated 16.06.2025 in Che. Mu. Na.Ka. No. 30917/ Niru.5 (2) / 2020 and quash the same and consequently direct the 2nd respondent to reinstate the petitioner in service with all attendant benefits.



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For Petitioner : Mr.S.Gunaseelan

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to set aside the order of dismissal from service and to reinstate the petitioner with all attendant benefits.

2. The learned counsel appearing for the petitioner would submit that he was appointed on compassionate ground as Junior Assistant by the 2nd respondent on 10.12.2018. Thereafter, he was transferred to Child Development Project office, Kangeyam Block on 30.04.2020. While serving in the District Project Office, Karur Block, he was issued a charge memorandum and ultimately, after conducting departmental proceedings, a final order dated 16.06.2025 was passed dismissing him from service.

3. It is the contention of the petitioner that the charges against him are vague and unsupported by substantial evidence. The Enquiry Officer,



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without proper basis, found the petitioner guilty and the Disciplinary Authority accepted the enquiry report without testing its veracity, resulting the impugned order. Hence, he prayed for interference by this Court.

4. At this juncture, the learned Additional Government Pleader appearing on behalf of the respondents would fairly submit that the petitioner has an appellate remedy before the 1st respondent, which he has not availed and therefore, the writ petition is not maintainable. Hence, prayed dismissal of the writ petition.

5. It is well-settled principle of law that a writ petition should not be entertained when an alternative remedy is available, except in exceptional circumstances. As laid down in the decision of the Hon'ble Supreme Court in *Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and others* reported in *1998 SCC Online SC 663*, a person approaching the writ Court, without availing the appellate remedy, must satisfy the triple test. In the present case, it is neither that



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the impugned order was passed by an incompetent authority nor its fundamental rights have been violated, nor there was a breach of principles of natural justice. Therefore, the entire case devolved around factual findings of the Enquiry Officer, which cannot be examined under writ jurisdiction, when an appellate remedy is available.

6. Therefore, without going into merits of case, this Court directs the petitioner to approach the appellate authority within a period of two (2) weeks from the date of receipt of a copy of this order. If such appeal is filed within the stipulated period, the 1st respondent shall consider the same on its own merits and in accordance with law, as expeditiously as possible, without being influenced by any observations made by this Court, which are made only for the purpose of disposal of this writ petition.

7. With the above directions, this Writ Petition stands disposed of. Consequently, the Miscellaneous Petition is closed. No costs.



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To

1.The Secretary to the State Government,
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Social Welfare and Department of Women,
Chennai-09.

2.The Social Welfare Commissioner,
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C.KUMARAPPAN, J.

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