



W.P. No.33548 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 08.09.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Writ Petition No.33548 of 2025

M. Sivakumar

.. Petitioner

Versus

1. The Joint Director of Elementary Education,
(Administration), D.P.I Building,
Chennai – 600 006.

2. The District Educational Officer (Elementary)
Dharmapuri, Dharmapuri District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the 1st respondent to dispose the appeal given by the petitioner dated 8.5.2025 which was received by the 1st respondent office and reflected in Na.Ka.No.01147/D2/25 dated 11.06.2025.

For petitioner : Mr.D. Charles Muthusanthan

For respondents: Mrs.S. Mythreye Chandru
Spl. Govt. Pleader (E)

ORDER

This writ petition has been filed praying to issue a direction to the first respondent to dispose of the appeal filed by the petitioner on 8.5.2025 which



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was also received by the 1st respondent office and reflected in Na.Ka.No. 01147/D2/25 dated 11.06.2025.

2. It is stated that the petitioner was appointed as Secondary Grade Assistant Teacher in the year 2004. During the course of such service, based on a compliant given by the petitioner's father-in-law, he was placed under suspension vide order dated 02.04.2018. Subsequently, a charge memo was issued to him containing three charges. The petitioner submitted his explanation and thereafter an enquiry was conducted wherein all charges were held proved and thereafter punishment was imposed on him. It is the contention of the petitioner that though the charge memo was issued under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the punishment was a major penalty of two years increment cut with cumulative effect under Rule 17(b) of the said Rules which was imposed on him. Aggrieved over the same, he filed W.P. No.965 of 2022 and this Court, vide order, dated 24.01.2023 while allowing the writ petition, remanded the matter back to the 3rd respondent therein to consider the case of the petitioner afresh. It is the case of the petitioner that even thereafter, without following the rules prescribed, the 2nd respondent, mechanically passed an order dated 13.03.2025. Challenging the same, he preferred an appeal before the 1st respondent. The order of punishment was received by the petitioner on



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23.03.2025 and the appeal against was preferred on 08.05.2025. While so, the

1st respondent passed the order, dated 11.06.2025 stating that the appeal was preferred belatedly beyond the time limit prescribed. Therefore, the petitioner has approached this Court by filing this writ petition.

3. Learned counsel for the petitioner submits that the second respondent, while passing the order dated 13.03.2025, has neither examined any witnesses nor any opportunity was afforded to him, which leads to gross violation of Rule 17(b) of Tamil Nadu Civil Service (Discipline and Appeal) Rules. Further, he strongly argued that even though an order was passed on 13.03.2025, the said order copy was served to the petitioner by the 2nd respondent only on 23.03.2025 and thereafter, the petitioner filed appeal on 08.05.2025, which is within the time limit. Lastly, he submitted that without considering all these aspects, the appellate authority rejected the appeal, vide order dated 11.06.2025 on the ground that the same was filed beyond the time limit, which is unsustainable and hence, he prays for issuance of appropriate directions.

4. Learned Special Government Pleader appearing for the respondents submitted that the appeal was not filed within the statutory time limit prescribed and therefore, the same was rejected by the 1st respondent. However, she submits that the petitioner may be directed to approach the



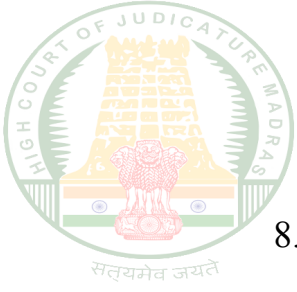
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revisional authority, if aggrieved, but the issue of limitation will arise even in filing a review and sought further directions from this Court.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. On perusal of records, it is evident that the order passed by the 1st respondent was not on merits, but merely rejected on the ground of limitation. Further, it is the submission of the learned Special Government Pleader appearing for the respondents that as against the order of the first respondent, the remedy of review is available and without exhausting the same, the petitioner has filed this writ petition under Article 226 of the Constitution of India.

7. Considering all the above facts, without going into the merits of the case, this Court directs the petitioner to file a review petition and agitate his grievances before the revisional authority, within a period of two weeks from the date of receipt of a copy of this order. In such event of filing review petition, the period during which this writ petition was pending before this Court is directed to be excluded by the revisional authority and appropriate orders shall be passed on its own merits and in accordance with law, within a period of three months thereafter.



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8. With the aforesaid directions, this writ petition stands disposed of.

No costs.

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Index: Yes/ No

Internet : Yes / No

Speaking order / Non speaking order

Neutral citation : Yes / No

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To

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Chennai – 600 006.

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A.D. JAGADISH CHANDIRA, J.

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