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W.P.No.32994 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.32994 of 2025 and W.M.P.No. 37008 of 2025

Dr.S.Durga Lakshmi

Petitioner

vs.

1. The Secretary
Law Department
Secretariat
St. George's Fort
Chennai – 600 001

2. The Director
Directorate of Legal Studies
Purasawalkam High Road
Kilpauk
Chennai - 600 010

Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorari calling for the records on the file
of the 1st respondent herein and to quash the charge memo in
Letter No. 8174105/Saga/2024 dated 15.07.2025.

For petitioner : Mr.S.Makesh

For respondents : Mr.M.Suresh Kumar
Additional Advocate General
assisted by
Mr.Yogesh Kannadasan
Special Government Pleader

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ORDER

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Challenge in this writ petition is to the charge memo dated 15.07.2025 issued by the first respondent/the Secretary, Law Department under Rule 17(a) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules.

2. The brief facts, as projected by the petitioner which led to the filing of this writ petition, are as follows:

2.1 The petitioner is working as Principal in the Government Law College, Salem. The State Government allocates funds to the tune of Rs.70 lakhs every year towards the development of the students' skill by way of Moot Court competitions. She, during her course of employment as Principal, encourages all the students to participate in Moot Court competitions at all levels. Thus, in the course of her academic career, she permitted four students, viz., K.Shivaprasad, N.Santhosh, K.S.Gayathri and N.Gunasekaran, to attend a Moot Court competition.

2.2 While so, a student by name Tamilarasan, who had never attempted to participate in any Moot Court competition or other extra curricular activity, targeting



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these four students, who had won titles in several competitions, including Moot Court competition, gave a complaint to the respondents alleging that the petitioner, in violation of the rules, had granted attendance to them and allowed them to sit for examinations. Based on the complaint given by the said Tamilarasan, a Committee was constituted. The said Committee, without calling for any explanation from the petitioner or the said students, for whom the petitioner is said to have granted attendance, had exceeded its limits and given a biased and pre-determined report.

2.3 Pursuant thereto, the respondents, intentionally circulated the enquiry report to the complainant-Tamilarasan during April 2025, thereby, enabling him to file a writ petition being W.P.No.21659 of 2025, arraying the petitioner herein as fourth respondent, in which, Tamilarasan prayed to direct the respondents therein to take action on the enquiry report of the Committee dated 19.09.2024, which was already forwarded to the second respondent, for taking necessary action.



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2.4 The said writ petition came up for admission before a Co-ordinate Bench of this Court on 18.06.2025 on which day, notice was ordered and the respondents were directed to file counter affidavit.

2.5 The respondents, thereafter, without taking into consideration the fact that the petitioner is not responsible for grant of attendance to those four students, issued a charge memo dated 15.07.2025 to the petitioner which is assailed in this writ petition.

3. Mr. S. Makesh, learned counsel for the petitioner, would submit that the petitioner had been discharging her role as Principal with great enthusiasm, thereby encouraging several students to participate in Moot Court competitions and other extra-curricular activities and while so, the impugned charge memo issued by the first respondent, predicated on the report of the Committee, which exceeded its limits by giving pre-determined findings, would only bring to light the unholy nexus the respondents have with the said Tamilarasan and the biased approach of the respondents. He would further submit that though the report of the Committee was made



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ready on 19.09.2024, the respondents issued the impugned charge memo only after W.P.No.21659 of 2025 came up for admission on 18.06.2025 on which date notice was ordered and this goes to prove the factum of collusion of the respondents with Tamilarasan.

4. *Per contra*, Mr. M. Suresh Kumar, learned Additional Advocate General appearing for the respondents, would submit that though the learned counsel for the petitioner, during the course of arguments, alleged bias on the part of the respondents, no such pleading has been raised in the affidavit. He would further submit that the respondents did not hand over the copy of the report of the Committee dated 19.09.2024 to the said Tamilarasan unbesought, as alleged by the petitioner and it was given to him only pursuant to an application made by him under the Right to Information Act, 2005.

5. Countering the submission of the learned counsel for the petitioner on the aspect of collusion of the respondents with the said Tamilarasan, learned Additional Advocate General submitted that though the report is dated 19.09.2024, the respondents were constrained to initiate disciplinary proceedings only pursuant to W.P.No.21659 of 2025, which came up for admission on



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18.06.2025, in which, the prayer sought was to take action against the petitioner pursuant to the enquiry report of the Committee and this, by itself, cannot be taken as a reason to believe that the respondents have colluded with Tamilarasan. While seeking to dismiss the writ petition, learned Additional Advocate General would, in short, submit that the allegation of bias levelled against the respondents, is sans any base.

6. Heard the learned counsel for the petitioner and the learned Additional Advocate General for the respondents.

7. At the outset, it is pertinent to point out that though the learned counsel for the petitioner has attributed bias on the part of the respondents during the course of arguments, as rightly argued by the learned Additional Advocate General, the ground of bias on the part of the respondents, is not specifically raised in the affidavit. That apart, it is a well settled principle of law that a writ petition challenging a charge memo, being only in the form of a show cause notice, is ordinarily not maintainable, unless it is shown that the charge memo has been issued sans jurisdiction or is vitiated by *mala fides* or bias. If bias is alleged on the part of the respondents, such a ground must have been specifically pleaded and supported



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by material particulars in the affidavit and vague or bald/general allegations made in air cannot be entertained. The Apex Court has held in a catena of judgments that unless *bias or mala fides* is clearly averred and substantiated by materials, a charge memo cannot be quashed at the threshold.

8. Be that as it may, it is beyond cavil that the report of the Committee was made ready as early as on 19.09.2024. But, the respondents did not initiate disciplinary proceedings immediately. In fact, it is clear that the impugned charge memo has been issued by the first respondent only after W.P.No.21659 of 2025 came up for admission on 18.06.2025. However, while holding so, this Court hastens to observe that the petitioner has not made out any ground to quash the impugned charge memo.

9. At this juncture, learned counsel for the petitioner would submit that the copies of the documents relied on in the charge memo, have not been furnished to the petitioner.

10. Learned Additional Advocate General would submit that the respondents are ready to furnish the copies of the documents connected with the enquiry.



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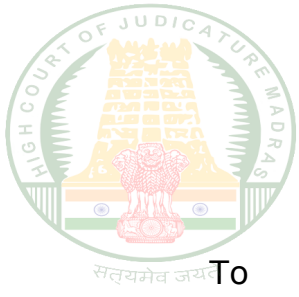
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11. In view of the fair submission made by the learned Additional Advocate General, the respondents are directed to furnish copies of the documents relied on in the charge memo to the petitioner within a period of one week from the date of receipt of a copy of this order and thereafter, within a fortnight, the petitioner shall reply to the impugned charge memo (if so advised). Needless to state, the respondents, after considering the explanation from the petitioner, are entitled to proceed in accordance with law.

12. This writ petition stands dismissed with the aforesaid directions and observation. Connected W.M.P. stands closed. Costs made easy.

17.09.2025

ssm/raa/cad



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A.D. JAGADISH CHANDIRA, J.

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