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W.P.No.25717 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24/10/2025

C O R A M

THE HONOURABLE Mr.JUSTICE K. SURENDER

Writ Petition No.25717 of 2017

a n d

M.P.No.27128 of 2017

The Secretary
Sowrirajan High School
Thiruvillaiyattam
Thargambadi Taluk
Nagapattinam District.

...

Petitioners

Vs

1. State of Tamil Nadu
rep. By its Principal Secretary
Department of School Education
Fort St. George
Chennai 600 009.
2. The Joint Director of School Education
(Secondary Grade)-cum-Appellate Authority
Directorate of School Education
College Road
Chennai 600 006.
3. P. Natarajan

...

Respondents



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Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the first respondent in G.O.(4T) No.13 dated 6/7/2015 School Education (Pa.Ka.6 (2) Department and quash the same.

For petitioner ... Mr.A.Muthukumar

For respondents ... Ms.P.Rajarajeswari
Government Advocate
for R.R.1 and 2.

Mr.S.Vijay Anand
for R.3

ORDER

This writ petition has been filed to quash the order, dated 6/7/2015, passed by the first respondent, in G.O.(4T) No.13 School Education (Pa.Ka.6 (2) Department.



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2. The facts of the case are that while the third respondent was working in the petitioner School, a charge memo was issued on 3/8/2005.

An enquiry was conducted, wherein all the charges were proved and the third respondent was inflicted with a punishment of stoppage of one annual increment as on 1/7/2005 with cumulative effect. Against the said order, an appeal was preferred by the third respondent. Vide, order dated 24/8/2011, the second respondent, modified the punishment to stoppage of one increment without cumulative effect.

3. Aggrieved by the orders in appeal, third respondent had approached the first respondent by filing a revision petition. In the revision, first respondent vide, order dated 6/7/2015 had set aside the punishment mainly on the ground that withholding the increment can be after the punishment was ordered and not the increments which were prior to the charge memo that was issued.

4. Heard Mr.A.Muthukumar, learned counsel for the petitioner, Ms.P.Rajarajeswari, Government Advocate for the respondents 1 and 2 and



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Mr.S.Vijay Anand, learned counsel for the third respondent.

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5. The only ground raised by the learned counsel for the petitioner is that every party to any dispute or litigation should be heard. The right of being heard i.e., Audi Alteram Partem is not followed.

6. The fact remains the petitioner has retired in the year 2006. The charge memo was issued in the year 2006, however, after the enquiry, punishment was imposed stopping increment from 1/7/2005. As rightly found by the first respondent, punishment of withholding the increment would be at a future date and not prior to the charge memo. The petitioner is now aged more than 80 years and as sought by the learned counsel for the petitioner that case should be remanded and they should be given an opportunity of hearing in the revision, cannot be accepted.

7. In view of the above, this **writ petition is dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.



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(K.SURENDER,J)

24th October, 2025

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Index: Yes/No

Neutral Citation: Yes/No

To

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K.SURENDER, J

mvs.



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