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W.P.No.48069 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.48069 of 2025
and
W.M.P.No.53721 of 2025

D.Magesh Kumar

... Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,
Home (Courts-VI) Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director of Prosecution,
Office of the Directorate of Prosecution,
No.5, Kamarajar Salai, First Floor,
Slum Clearance Board Building,
Chennai – 600 005.
- 3.The Assistant Director of Prosecutions,
No.35, Pudupet Street,
MNK Road, Alandur,
Chennai – 600 016.
- 4.J.Thenmozhi
Grade-II Additional Public Prosecutor,
VII Metropolitan Magistrate Court,
George Town, Chennai – 600 001.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent herein in Letter (D) No.1113, dated 28.08.2025, issued by the 1st respondent herein, to quash the same and to issue directions to the 1st respondent to award proportionate punishment to the 4th respondent herein for the gross misconduct committed by her in violation of the provisions contained in Tamil Nadu Government Servants Conduct Rule, 1973, within a limited time frame as deemed fit by this Court.

For Petitioner : Mr.P.Aravindhan

For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Challenging the order of the 1st respondent, dated 28.08.2025, rejecting the complaints of the petitioner dated 08.04.2024 and 28.04.2024 to take action against the 4th respondent, the present writ petition has been filed.

2.It is alleged by the petitioner that the 4th respondent had relationship with the petitioner during her practice as lawyer and she had promised the petitioner that she would marry him. However, after she became the



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Assistant Public Prosecutor, she had not married the petitioner. However, she married some other person. It is his further allegation that, even after the 4th respondent entered into service, the relationship between the petitioner and the 4th respondent continued. The 4th respondent is continuously chatting with the petitioner through WhatsApp during working hours. Based on such allegations, the petitioner sought initiation of disciplinary proceedings against the 4th respondent who is now serving as Additional Public Prosecutor. The said representation of the petitioner has been rejected by the 1st respondent/Additional Chief Secretary to Government by the impugned order in Letter (D) No.1113, Home (Courts-VI) Department, dated 28.08.2025. Challenging the same, the present writ petition has been filed.

3.Mr.Yogesh Kannadasan, learned Special Government Pleader, takes notice for the respondents 1 to 3.

4.By consent of both sides, the matter is taken up for final disposal at the admission stage itself.



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5.This writ petition is filed mainly on the ground that the conduct of the 4th respondent amounts to misconduct, breach of trust and moral turpitude and therefore, she has to be proceeded against under the Tamil Nadu Government Servant Conduct Rules, 1973. Whereas, it is the contention of the petitioner that the impugned order has not dealt with the provisions of the Tamil Nadu Government Servant Conduct Rules, 1973. Therefore, the petitioner urges that further enquiry proceedings has to be initiated as against the 4th respondent. The impugned order is also assailed on the ground of violation of principles of natural justice and also stating that it is a non-speaking order.

6.Though many other grounds have been raised, the main contention of the learned counsel for the petitioner is that, though the 4th respondent is already married, she still continues her relationship with the petitioner even after marriage and therefore, it clearly amounts to misconduct as per the Tamil Nadu Government Servant Conduct Rules, 1973, and it also amounts to adultery.



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the complaint of the petitioner. Therefore, this writ petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

16.12.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes

To

- 1.The Additional Chief Secretary to Government,
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Secretariat, Fort St. George,
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N. SATHISH KUMAR, J.

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