

W.A.(MD)No.713 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.713 of 2025
and
C.M.P.(MD)No.4971 of 2025**

1.The State of Tamil Nadu,
Rep.by its Secretary,
Department of School Education,
Fort St.George, Chennai.

2.Director of School Education,
College Road, Chennai – 6.

3.The Joint Director (Personnel),
Directorate of School Education,
College Road, Chennai - 6.

... Appellants

Vs.

K.Paulraj

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent against the order passed in WP(MD)No.12182 of 2024 dated 11.06.2024 on the file of this Court.



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For Appellants : Mr.C.Venkatesh Kumar,
Special Government Pleader

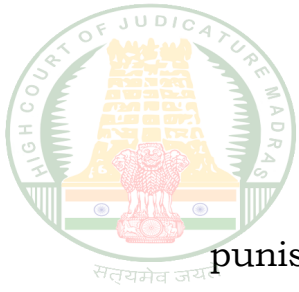
For Respondent : Mr.T.A.Ebenezar

JUDGMENT

(By G.R.SWAMINATHAN, J.)

The State is an appeal challenging the order dated 11.06.2024 passed by the learned Single Judge allowing WP(MD)No.12182 of 2024 filed by the respondent herein.

2.The respondent herein was working as Personal Assistant to the District Educational Officer, Cheranmahadevi. He was issued with a charge memo dated 03.06.2019 by the Director of School Education Department. The charge memo contained as many as ten articles of charge. Enquiry officer was appointed and the enquiry officer gave a finding that all the charges stood proved. The respondent herein reached the age of superannuation on 30.06.2019. On the eve of his retirement, he was suspended from service and also retained in service. Thereafter, the Government passed the impugned G.O 1D No.11, School Education Department, dated 27.01.2023 imposing



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punishment of cut in pension at the rate of Rs.1000/- per month for a period of three years. Challenging the same, the respondent filed WP(MD)No.12182 of 2024. The learned Single Judge set aside the punishment imposed on the petitioner and allowed the writ petition. Aggrieved by the same, this writ appeal has been filed.

3.It is seen that the learned Single Judge chose to allow the writ petition only on the ground that action against the Director of School Education was not taken. The allegation made against the respondent is that he had colluded with the school management and placed the papers for approval before the District Educational Officer who in turn forwarded the same to the Director of School Education and he appears to have gone by the endorsements made in the file and issued approval order dated 25.07.2017. The stand of the department is that but for the collusion on the part of the petitioner and the District Educational Officer and few other employees, the approval would not have been granted by the Director of School Education. In any event, even if it is assumed that the Director of School Education was at fault, merely because action was not taken



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against him, the writ petitioner could not be spared by invoking the principle of equality. The reason assigned by the learned Single Judge for exonerating the writ petitioner is intrinsically unsound. The order of the learned Single Judge is set aside. This writ appeal is allowed. No costs. Connected miscellaneous petition is closed.

(G.R.S. J.,) & (K.R.S. J.,)
02.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
SKM

To:

- 1.The Secretary,
Department of School Education,
Fort St.George, Chennai.
- 2.Director of School Education,
College Road, Chennai – 6.
- 3.The Joint Director (Personnel),
Directorate of School Education,
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