



W.P.(MD) No.10589 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
08.10.2025	.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.10589 of 2024
and
W.M.P.(MD) Nos.9500 & 9501 of 2024

K.Ilango Samuel Peter

... Petitioner

-VS-

1.The Director
Gandhigram Institute of Rural
Health & Family Welfare Trust
Soundaram Nagar
Ambaathurai, Gandhigram Post
Dindigul-624 302

2.The Chairman
Gandhigram Institute of Rural
Health & Family Welfare Trust
Soundaram Nagar
Ambaathurai, Gandhigram Post



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Dindigul-624 302

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... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records of the impugned order in Proceedings No. GIRH/ESTT/2023-24/0937 dated 21.12.2023 on the file of the 1st respondent and the consequent impugned order in Ref. GIRH/CHAIRMAN/2023-24/0031 dated 12.04.2024 on the file of the 2nd respondent and quash the same and further directing the respondents to reinstate the petitioner with full backwages.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.V.Karthikeyan
for Mr.V.Vijay Shankar

O R D E R

This Writ Petition had been filed to quash the impugned order dated 21.12.2023 on the file of the 1st respondent and the consequent impugned order in Ref. GIRH/CHAIRMAN/2023-24/0031 dated 12.04.2024 on the file of the 2nd respondent and quash the same and further directing the respondents to reinstate



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the petitioner with full back wages.

2. Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner and Mr.V.Karthikeyan, learned counsel appearing for Mr.V.Vijay Shankar, learned counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been appointed as a Senior Technical Officer (Communication and Media) in the Gandhigram Institute of Rural Health & Family Welfare Trust on 05.01.2000, pursuant to a notification issued on 21.11.1999. He had also been conferred with the Selection Grade increment on completion of 10 years of service and Special Grade on completion of 20 years of service. While that being so, the first respondent herein had questioned the qualification of the petitioner after a period of 23 years on 17.08.2023. A charge memo was served upon the petitioner relating to the qualification and experience upon which the petitioner's appointment was given for which the petitioner had also given a detailed explanation. However, an enquiry officer was appointed and the petitioner had



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also attended the enquiry. The enquiry officer had found that the charge No.1 which relates to the educational qualification as not proved, but with regard to charge No.2, which pertaining to lack of experience was held to be proved.

4. A further explanation has also been submitted by the petitioner pursuant to the second show cause notice substantiating the experience of 8 years in the field of Communication and Media. However, the petitioner was imposed a punishment of compulsory retirement on 21.12.2023. He would submit that the order of punishment imposed on the petitioner was wholly with malice. He would submit that the litigations were initiated against the then Director challenging her authority in holding the post of Director of first respondent Trust and in view of the orders passed by the Court therein she has also been not permitted to continue in the said post. An appeal had also been preferred by the petitioner against the order of compulsory retirement and has no orders were passed, the petitioner had approached this Court in W.P.(MD).No.1717 of 2024, seeking to dispose of the appeal. However, the second respondent by its proceedings dated 12.04.2024 had confirmed the order of punishment. He would



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further submit that the qualification and experience having been found in favour of the petitioner and appointment had been granted to the petitioner, the petitioner had performed his duties without any blemish and after a period of 23 years, the order of compulsory retirement passed on the ground that the petitioner did not hold a valid qualification and experience, is wholly a reason created by the respondents to throw him out of service. Hence, he seeks indulgence of this Court to the order impugned herein.

5. The learned counsel appearing for the respondents would submit that the qualification for the appointment of a Senior Technical Officer (Communication and Media) requires as M.A., degree in Social Science education, diploma/degree in Communication Methods/Media apart from an experience of not less than seven years in communication teaching or Research and Production of Audio Visuals or Media Materials. It was found that the petitioner did not have the required qualification, as also experience, hence a charge memo was issued to the petitioner and on enquiry, the enquiry officer had given a finding that the petitioner had sufficient qualification and not the



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sufficient experience. Hence, based upon the said report, a punishment had been imposed against him ordering compulsory retirement from service, as the petitioner did not possess the required experience. The allegation that the petitioner makes of malice is wholly unfounded as this Court had dismissed the Writ Petition filed by the Staff Association challenging the appointment of the previous Director.

6. He would further submit that the said Director against whom the allegation is made, was no more in service, when the order impugned is passed. When the petitioner did not possess the required qualification, namely the teaching experience, the appointment that has been gained by the petitioner, cannot be said to be a valid appointment and the punishment imposed on the petitioner, as only a minimum punishment that could have been imposed on him. Hence, he seeks this Court to dismiss the Writ Petition.

7. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.



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8. On the allegation that the petitioner did not possess educational qualification and work experience as required for his appointment, the charge memo had been issued to the petitioner. Admittedly, the enquiry officer had given a finding that the charge, which relates to the qualification was not proved and with regard to the work experience to have been proved. The petitioner had been issued with a 2nd show cause notice calling upon his explanation on the Enquiry Committee's report and the petitioner had also submitted his explanation. However, under the order passed by the disciplinary authority imposing a punishment of compulsory retirement even for the charge that has been not found to be proved, a different view had been taken by the disciplinary authority without issuing a notice to the delinquent/petitioner that the disciplinary authority proposes to differ the view of the enquiry officer.

9. With regard to the 2nd charge which was held to be proved, the enquiry officer had discarded the experience certificate by holding that such certificate do not provide the period of experience noting the date from which, to which date, he had gained the experience under the respective certificates, as only



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the total period of his experience had been given, which creates a doubt. The petitioner had given his explanation as to the period he gained experience under the respective certificate and it seems to have been discarded. When the enquiry officer had given a specific findings that the charge No.1 had not been proved without following the due process, the disciplinary authority had come to a conclusion that the charge No.1 to be proved. This shows a legal malice in holding the charge No.2 also proved. Such exercise of power by the disciplinary authority namely the first respondent is not only hit by legal malice, but also is hit by an arbitrary and colourable exercise of power.

10. It is to be further noted that the petitioner had been working for 23 years till the date of order of punishment. It is useful to note that the judgement of the Hon'ble Apex Court in the case of *Tridip Kumar Dingal & Ors., vs. State of West Bengal & Ors.*, reported in *(2009) 1 SCC 768*, wherein the Hon'ble Apex Court noting that when the process of selection had been challenged by various persons, had held that the appointees, who have been working from the year 1998-99 cannot be set aside as it would be inequitable. Applying the principles



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laid down by the Hon'ble Apex Court, to the present case, this Court is of the view that the petitioner who had put in 23 years of unblemished service, cannot be thrown out of the employment on the ground that he did not have the required experience alone, as his qualification has already been proved by the enquiry officer.

11. For the aforesaid reasons, the Writ Petition stands allowed and the impugned order is set aside and the respondents are directed to reinstate the petitioner with continuity of service and all other consequential attendant benefits. Such exercise shall be carried out by the respondents within a period of four (4) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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- 2.The Chairman
Gandhigram Institute of Rural
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K.KUMARESH BABU, J.

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PRE-DELIVERY ORDER

IN

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and

W.M.P.(MD) Nos.9500 & 9501 of 2023 of
2024

.11.2025