



W.A(MD)Nos.1713 & 1714 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.06.2025

CORAM

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

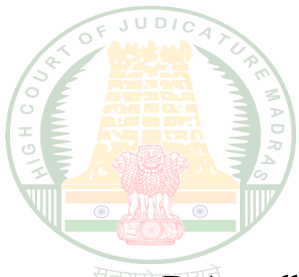
**W.A(MD)Nos.1713 & 1714 of 2025
and
C.M.P(MD)Nos.9566 & 9567 of 2025**

W.A(MD)No.1713 of 2025:

- 1.The Principal Secretary to Government,
Secretariat,
Chennai.
- 2.The Director,
Adi Dravidar Welfare Department,
Chepauk, Triplicane,
Chennai – 621 301.
- 3.The Director,
School Education Department,
DPI Complex,
College Road,
Chennai – 600 006.
- 4.The Chief Educational Officer,
Thanjavur,
Thanjavur District.

... Appellants /
Respondents

Vs.



W.A(MD)Nos.1713 & 1714 of 2025

D.Amudha
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... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 17.12.2024 in W.P(MD)No.23903 of 2023 on the file of this Court.

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

For Respondent : Mr.J.Jeyakumaran

W.A(MD)No.1714 of 2025:

1.The Principal Secretary to Government,
Secretariat, Chennai.

2.The Director,
Adi Dravidar Welfare Department,
Chepauk, Triplicane,
Chennai – 621 301.

3.The Director,
School Education Department,
DPI Complex, College Road,
Chennai – 600 006.

4.The Chief Educational Officer,
Thanjavur,
Thanjavur District.

... Appellants /
Respondents

Vs.

D.Amudha

... Respondent /
Writ Petitioner



W.A(MD)Nos.1713 & 1714 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 17.12.2024 in W.P(MD)No.16488 of 2023 on the file of this Court.

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

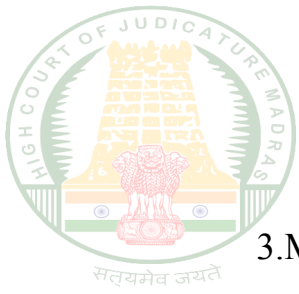
For Respondent : Mr.J.Jeyakumaran

COMMON JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

The State is on these appeals questioning the order dated 17.12.2024 made in W.P(MD)Nos.16488 and 23903 of 2023. Ms.D.Amudha is the writ petitioner in both the writ petitions. She was working as Headmistress in the Thirumalairajapuram High School. She had purchased furniture for the said school from a private entity. She did not source the same from the Tamil Nadu Small Industries Corporation Limited (TANSI). The consideration was also paid by way of cheque to the said private company.

2.Later it came to be known that 23 other headmasters / headmistresses of various schools in the said district had also made a similar purchases and made payments to the very same company. This became the subject matter of audit objection as well as vigilance enquiry.



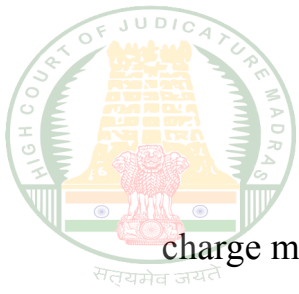
W.A(MD)Nos.1713 & 1714 of 2025

3.Ms.Amutha / writ petitioner reached the age of superannuation on 30.06.2023. Few days prior to the writ petitioner attaining the superannuation, she was placed under suspension on 26.06.2023. She was not allowed to retire but retained in service. Charge memo came to be issued on 29.08.2023. Challenging the order of suspension as well as charge memo, D.Amudha filed W.P(MD)Nos.16488 and 23903 of 2023. Both the writ petitions were allowed by the learned single Judge vide common order dated 17.12.2024. Questioning the same, these Writ Appeals have been filed.

4.Heard both sides.

5.The learned single Judge allowed the writ petitions primarily on two grounds. a) The cause of action had arisen as early as on 04.04.2015 but the charge memo came to be issued more than 8 years later. b) Even though as many as 24 headmasters in the very same district had committed the very same act attributed to the writ petitioner, 16 of them were spared and only 8 persons were targeted.

6.As rightly contended by the learned Special Government Pleader, both these grounds may not really be sustainable. It is true that belated issuance of



W.A(MD)Nos.1713 & 1714 of 2025

charge memo is vulnerable. But then, if the authority can explain the reason for the delay and if it can be shown that the delinquent will not be put to prejudice on that score, mere delay in issuing a charge memo cannot be a ground to invalidate the same. In the case on hand, the writ petitioner does not really dispute the contents of the allegations made against her. Her defence appears to be that she as well as the other 23 headmasters in the district acted the dictation from the then Chief Educational Officer. In a case of this nature, we are satisfied that no prejudice had really been occasioned on account delay in issuing the charge memo.

7.The authorities have also stated that only when during the year 2020, Thiru.Gowrinathan was enquired by the vigilance authorities the entire scam came to light. Thereafter, Covid intervened and therefore delay could not be a ground for quashing the charge memo.

8.It is true that as many as 24 headmasters were guilty of the same act as attributed to the writ petitioner. Merely because 16 others were allowed to retire, that cannot furnish a ground for granting immunity to the writ petitioner also.

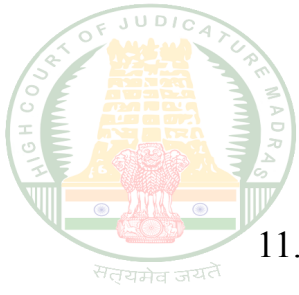


W.A(MD)Nos.1713 & 1714 of 2025

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9. The learned Special Government Pleader would further pointed out that 16 headmasters who had been spared retired during 2016 to 2020 itself.

10. We are therefore of the view that both the reasons assigned by the learned single Judge for granting relief to the writ petitioner are not sustainable. At the same time, we cannot lose sight of the fact that even according to the Government, the loss caused was only Rs.2,18,040/-. It is also seen that the writ petitioner was constrained to make the payment because she has been commanded to do so by the then Chief Educational Officer. These are matters for enquiry and these are passing observations made by us. We are of the view that interest of justice would be more than met, if the writ petitioner is allowed to retire and the department is permitted to retain the sum of Rs.2,18,040/- from her terminal and other retiral benefits. Enquiry against the writ petitioner shall be conducted under the pension rules. All the defences and contentions of the writ petitioner are left open. The impugned order is accordingly modified. The appellants are directed to disburse the remaining benefits of the writ petitioner without any delay.



W.A(MD)Nos.1713 & 1714 of 2025

11. These Writ Appeals are allowed accordingly. There shall be no order

as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [K.R.S., J.]
27.06.2025

NCC : Yes / No
Internet : Yes / No
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W.A(MD)Nos.1713 & 1714 of 2025

G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA

W.A(MD)Nos.1713 & 1714 of 2025

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