



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.12.2025

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

WP(MD)No.28798 of 2025

and W.M.P(MD).Nos.22391, 22392, 22393 and 25829 of 2025

S.Einstein Paul

... Petitioner

Vs.

1.The Correspondent,  
St.Joseph College Higher Secondary School,  
Trichy 625 002.

2.V.Vincent

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned letter issued by the first respondent dated 14.07.2025 and consequential letter issued by the second respondent dated 09.09.2025 and quash the same as illegal and consequently directing the first respondent to pay the subsistence allowance along with arrears and also permit the petitioner to engage an advocate for legal assistance during the conduct of the domestic enquiry.



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For Petitioner : Mr.B.Jameelarasu  
For Respondents : Mr.K.Ragatheshkumar  
for Issac Chamber (for R2)  
Mr.S.A.Amaljin (for R1)

### **ORDER**

The petitioner joined as a B.T.Assistant (Maths) in the first respondent school. He was placed under suspension on 05.02.2024 on the ground that a criminal proceeding was initiated against him and he was also issued with a charge memo. The petitioner has approached this Court with the grievance that the Enquiry officer appointed in the disciplinary proceedings is a legally qualified person and therefore, he may be permitted to defend his case with the assistance of an Advocate. In support of his contention, he has relied on the proviso to Rule 17(b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules. The other grievance of the petitioner is that he has not been paid with the subsistence allowance.

2. The learned counsel for the respondent /Management submits that the Management has accepted the request to engage an advocate by the petitioner to defend his case. However, in view of the pendency of this writ petition, they have not formally passed any orders to that effect. According to them, they are



not having any grievance for the petitioner to engage a counsel during the domestic enquiry. In respect of the payment of subsistence allowance, the learned counsel submits that the subsistence allowance for the first period has to be paid by the department and that was also paid on 16.10.2025. With regard to the remaining period, the learned counsel submits that the petitioner is involved in a serious criminal case and therefore, he cannot be allowed to be reinstated. Therefore, the petitioner is not entitled for subsistence allowance beyond the period of six months.

3. This Court considered the rival submissions made.

4. The first grievance of the petitioner has already been considered by the respondent management. With regard to the second grievance, the petitioner is entitled for the subsistence allowance till the enquiry is over. Therefore, the first respondent is directed to conclude the enquiry within a period of two months. The petitioner is entitled for subsistence allowance pending the disciplinary proceeding and during the suspension period as per the Tamil Nadu Payment of Subsistence Allowance Act, 1981. The petitioner is also directed to cooperate for enquiry.



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5. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

**17.12.2025**

NCC : Yes/No

Index : Yes/No

*Rmk*

To  
The Correspondent,  
St. Joseph College Higher Secondary School,  
Trichy 625 002.



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5

**B.PUGALENDHI,J.**

*Rmk*

WP(MD)No.28798 of 2025

17.12.2025