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W.P.No.2917 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2917 of 2026

And

W.M.P.Nos.3261 and 3263 of 2026

R.V.Balaji

... Petitioner

Vs.

1.The Joint Director of School Education (Personnel),
Directorate of School Education,
College Road, Nungambakkam,
Chennai – 600 006.

2.The Chief Educational Officer,
Villupuram District,
Villupuram.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the first respondent herein in Na.Ka.No.31325/A3/E2/2020 dated 06.12.2023 and the proceedings of the first respondent in Na.Ka.No.31325/A3/E2/2020 dated 18.12.2025 and the Enquiry Officer's report issued by the second respondent in Proceedings No.- Nil – dated 10.12.2025, quash the same and to issued consequential directions to the respondents herein to take a call as to proceed against the petitioner based on the outcome of the criminal case



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lodged in Spl.C.C.No.14 of 2025 pending on the file of the Hon'ble Principal Sessions Judge, Krishnagiri.

For Petitioner : Mr.M.Ravi
For Respondents : Ms.Mythreye Chandru
Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records on the file of the first respondent in Na.Ka.No.31325/A3/E2/2020 dated 06.12.2023 and the proceedings of the first respondent in Na.Ka.No.31325/A3/E2/2020 dated 18.12.2025 and the Enquiry Officer's report issued by the second respondent in Proceedings No.- Nil – dated 10.12.2025, quash the same and to issue consequential directions to the respondents to take a call as to proceed against the petitioner based on the outcome of the criminal case lodged in Spl.C.C.No.14 of 2025 pending on the file of the learned Principal Sessions Judge, Krishnagiri.

3.The learned counsel appearing for the petitioner submitted



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that the petitioner was initially appointed as Record Clerk in Krishnagiri District and was promoted to the post of Junior Assistant on 20.11.1990 and was further promoted to the post of Assistant in the year 1995 and was promoted to the post of Superintendent on 30.11.2015 and was placed under deemed suspension with effect from 12.08.2020. The learned counsel further submitted that a case in Crime No.4/AC/2020 was registered against the petitioner and charge sheet was filed and the criminal case is pending trial in Spl.C.C.No.14 of 2025 on the file of the learned Principal Sessions Judge, Krishnagiri.

4.The learned counsel appearing for the petitioner further submitted that a charge memo dated 06.12.2023 was issued to the petitioner by the first respondent. The learned counsel further submitted that the copies of documents mentioned in Annexure – III and the copies of the statement of witnesses mentioned in Annexure – IV were not furnished to the petitioner. The petitioner made representation to the respondents 1 and 2 to defer the disciplinary proceedings, however, the first respondent issued the impugned proceedings calling upon the petitioner to submit further explanation on the Enquiry Officer's report. The learned counsel further submitted that the only one witness out of 16 witnesses were examined and the



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petitioner was not allowed to cross examine the said witness.

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5.The learned counsel appearing for the petitioner further submitted that this Court may issue direction to the respondents to furnish the list of documents mentioned in Annexure – III and the copies of the statement of witnesses whose names have been mentioned in Annexure – IV to the petitioner so as to enable the petitioner to give suitable reply to the impugned proceedings. The learned counsel further submitted that the Hon'ble Division Bench of this Court has considered similar circumstances in the case of ***S.Balasubramanian Vs. The District Collector and others [W.A.No.2924 of 2019 dated 12.09.2019]***.

6.The learned Special Government Pleader, on instructions, submitted that in the present case, enquiry was conducted and Enquiry Officer's report was forwarded to the petitioner with further notice, however, the petitioner instead of participating in the further proceedings has filed this writ petition, which is not sustainable one. She further submitted that if at all the petitioner have any grievance, he has to raise his grievance at the time of further proceedings and not by filing writ petition.



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7. Heard both sides and perused the materials available on record.

8. It is useful to extract hereunder the relevant portion of the decision of this Court in the case of ***S. Balasubramanian Vs. The District Collector and others [W.A.No.2924 of 2019 dated 12.09.2019]***:

"10. Thus, the Charge memo issued under Rule 17(b) of the Tamil Nadu Civil Services (D&A) Rules, is sought to be proved without examining any witness and solely based on documents. This is contrary to the rules. When statute contemplates a thing to be done in a prescribed manner, the same has to be done, in the manner as provided under law. Reference can be made to the following decisions.

*(i) In **T. Ramamoorthy v. The Secretary, Sri Ramakrishna Vidyalaya High School, etc. & Others** reported in **1998 Writ. LR 641**, at Paragraph 6, held as follows:*

"If the statutory provision enacted by the Legislature prescribed a particular mode for terminating the service or dismissing the teaching or a non-teaching staff of a school, it



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can and has to be done not only in that manner alone, but it cannot be done in any manner too. This principle that where a power is given to do a certain thing in a certain way, things must be done in that way and not otherwise and that the other method of performance is necessarily precluded, is not only well settled, but squarely applies to this case also in construing the scope of the power as also its exercise by 16/20 W.A.No.2924 of 2019 the management under Section 22 of the Act."

(ii) The Hon'ble Supreme Court in **State of Jharkhand v. Ambay Cements** reported in **2005 (1) CTC 223**, at Paragraph 27, held as follows:

"27. Whenever the statute prescribes that a particular act is to be done in a particular manner and also lays down that failure to comply with the said requirement leads to severe consequences, such requirement would be mandatory. It is the cardinal rule of the interpretation that where a statute provides that a particular thing should be done, it should be done in the manner prescribed and not in any other way. It is also settled rule of interpretation and where a statute is penal in character, it must be strictly



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construed and followed. Since the requirement, in the instant case of obtaining prior permission is mandatory, therefore, non-compliance of the same must result in cancelling the concession made in favour of the grantee-the respondent herein."

(iii). In **Pandit D Aher v. State of Maharashtra** reported in **2007 (1) SCC 437**, the Hon'ble Supreme Court, at Paragraph 19, held as follows:

"It is now well settled that a judicial review would lie even if there is an error of law apparent on the face of the record. If statutory authority uses its power in a manner not provided for in the statute or passes an order without application of mind, judicial review would be maintainable. Even an error of fact for sufficient reasons may attract the principles of judicial review."

11. In view of the above discussion and decisions, the writ appeal is allowed. Order made in WP No.7882 of 2017 dated 04.10.2018, is set aside. Charge Memo in Na.Ka.No.90791/87/83 dated 24.01.2000, is quashed. Appellant is entitled to the consequential benefits, in accordance with law, which shall be calculated and disbursed, as expeditiously as possible. No costs."



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9. In the present case, the grievance of the petitioner is that without providing opportunity to the petitioner for cross examining the witness, the Enquiry Officer hurriedly filed enquiry report and that the copies of documents mentioned in Annexure – III and the copies of the statement of witnesses mentioned in Annexure – IV were not furnished to the petitioner.

10. In view of the above, this Court directs the first respondent to re-consider the entire issue, provide opportunity to the petitioner and further opportunity to cross examine the witness. The respondents are directed to furnish the list of documents mentioned in Annexure – III and the copies of the statement of witnesses whose names have been mentioned in Annexure – IV to the petitioner so as to enable the petitioner to give suitable reply to the impugned proceedings, within a period of two weeks from the date of receipt of a copy of this order. Liberty is granted to the petitioner to examine some more witnesses and to file some more documents, if he wants to do so, during further enquiry. The respondents are directed to proceed with further enquiry and conclude the disciplinary proceedings, within a period of twelve weeks from the date of receipt of a copy of this order.



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11.The writ petition is disposed of. No costs. Consequently,
the connected miscellaneous petitions are closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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Chennai – 600 006.
- 2.The Chief Educational Officer,
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