IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5177 of 2026
and W.M.P.No.5726 of 2026

N.Vinothkumar ... Petitioner

Vs.

1.Tamil Nadu Public Service Commission,
Rep.by its Secretary,
TNPSC Road,
VOC Nagar,
Park Town, Chennai-600 003.

2.The Joint Commissioner of Commercial Taxes (ST),
Vellore Division,
Vellore. ....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the second respondent in Procs.No.A2/1217/2020 dated 09.01.2025, discharging the petitioner from service and quash the same as arbitrary, illegal, unjust in law and consequently, direct the respondents to reinstate the petitioner with all benefits.

For Petitioner : Ms.Hema
for Mr.A.Manojkumar

For Respondents : Mr.B.Vijay for R1
Ms.P.Selvi
Government Advocate for R2

O R D E R

The writ petitioner challenges the impugned order dated 09.01.2025 in Procs.No.A2/1217/2020 discharging the petitioner from service and for a consequential direction to the respondents to reinstate the petitioner with all benefits.

2. It is the case of the petitioner that he was provisionally selected for the post of Assistant and was allotted to the Commercial Taxes Department by the first respondent. Pursuant to the same, he joined duty on 21.12.2018 as Assistant in the Office of the Joint Commissioner (ST), Vellore Division, Vellore. While so, alleging that the petitioner is involved in malpractice in Group-IIA Examination, a criminal case was registered against him and he was arrested on 04.02.2020. Since he was detained for more than 48 hours, he was placed under suspension by invoking Rule 17(e) of the Tamil Nadu

Civil Services (Discipline and Appeal) Rules, by proceedings dated 06.02.2020 with effect from 04.02.2020. During the period of suspension, he was paid subsistence allowance. While so, the first respondent issued a Memorandum dated 30.12.2024, canceling the petitioner's provisional selection on the allegation that CBI investigation revealed malpractice and his appointment was void *ab initio*. By the very same Memorandum, the petitioner was permanently debarred from participating in future examinations/recruitments conducted by TNPSC. Following the said Memorandum, the impugned order dated 09.01.2025 was passed by the second respondent canceling the order of appointment issued to the petitioner and discharging him from the said Post. Challenging the same, the present writ petition has been filed.

3. The petitioner relies upon the order passed by this Court in a batch of writ petitions involving the similar issue in W.P.Nos.2889 of 2025 etc., wherein, this Court has decided the ratio of removal of employee from service on the basis of the criminal case. This Court has exclusively held that every service rule provides for the manner in which an employee could be

removed from service and the said service rules provide for a disciplinary mechanism by initiating a disciplinary proceeding and affording an opportunity of hearing to the employee through a full-fledged enquiry so as to enable the Department to establish the charge and for the employee to refute the charge and get himself/herself absolved from the charge. Without following the said procedure, removing an employee from service for any allegation, howsoever grave the allegation may be, is grossly perverse and impermissible. Relying on the said judgment and the ratio laid down by this Court, the learned counsel appearing for the petitioner seeks to quash the impugned order and allow the writ petition.

4. Heard the learned counsel appearing for the first respondent and the learned Government Advocate appearing for the second respondent.

5. It is not in dispute that though a criminal case has been registered against the petitioner alleging malpractice in the examination conducted by the first respondent, following the same, the petitioner was suspended from service and was placed under suspension at quite some time, this is also not

disputed that a charge sheet has already been filed before the criminal Court but it is not known whether cognizance has been taken of the same by the concerned Court. In such view of the matter, the judgment relied upon by the learned counsel appearing for the petitioner is squarely applicable to the case of the petitioner herein and the relevant paragraph No.48 are extracted hereunder:-

> *"48. For the reasons aforesaid, all the writ petitions are allowed with the following directions:-*
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> *i) The respective impugned orders passed by the Commission cancelling the provisional selection and allotment and invalidating the OMR answer sheet of the petitioners are set aside;*
>
> *ii) The impugned orders passed by the respective appointing authorities removing the respective petitioners from service are also set aside holding that the said orders are passed without following the service rules and in violation of principles of natural justice;*

iii) The respective appointing authorities are directed to reinstate the petitioners in service forthwith and upon such reinstatement, if so advised, the respective appointing authorities are at liberty to initiate disciplinary action against the respective petitioners for the delinquency, alleged to have been committed by the petitioners and proceed against the respective petitioners in accordance with the relevant service rules governing the petitioners;

iv) if disciplinary proceedings have already been initiated against any of the petitioners, then the appointing authorities shall take steps to conclude the disciplinary proceedings initiated as expeditiously as possible in accordance with the relevant service rules governing the said petitioners;

v) The Commission is at liberty to proceed against the petitioners subject to the outcome of the criminal trial;

vi) Upon cognizance being taken of the charge sheet by the concerned Court, the trial court is directed to proceed with the said trial and complete the same as expeditiously as possible and the petitioners herein are directed to cooperate with the trial Court for completion of the trial as expeditiously as possible;

vii) The CBI is directed to place a copy of this order before the concerned trial Court before which the charge sheet is pending cognizance so as to enable the concerned Court to proceed forthwith with the matter in accordance with law;

viii) Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs;"

6. Considering the fact that the allegations made against the petitioner are grave in nature and he is holding public employment and considering the fact that the concerned Court before which the charge sheet is filed is not a party before this Court, this Court is inclined to issue a direction to the

concerned Court to expedite taking cognizance of the offence and completing the trial as expeditiously as possible. Since the petitioner has been dismissed from service following the Memorandum issued by the first respondent and no opportunity has been given to the petitioner and no disciplinary proceedings was initiated before issuance of such impugned order, this is a classic case of gross violation of principles of natural justice. Hence, the impugned order dated 09.01.2025 passed by the second respondent is liable to be set aside and it is set aside.

7. Accordingly, this Writ Petition is allowed in terms of order in W.P.Nos.2889 of 2025 etc., There shall be no order as to costs. Connected miscellaneous petition is closed.

18.02.2026

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

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M.DHANDAPANI, J.

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