



WEB COPY

WA No. 1411 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

**THE HONOURABLE MR. JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**W.A. No. 1411 of 2022
and C.M.P.Nos.9045 and 18897 of 2022**

1. P.Senthil Murugan
S/o.P.Pichandi, Plot No.14, Thiruvalluvar
Nagar, Kolathur, Chennai-600 099.

Appellant

Vs

1. The Director of Medical Education
156, Poonamallee High Road, Kilpauk,
Chennai-600 010.

2.The Professor of Pathology / Inquiry Officer,
Madras Medical College,
Chennai-600 003.

Respondent

PRAYER

The Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order passed by the Learned Judge in W.P. No. 9573 of 2022 dated 18-04-2022.

For Appellant(s): Mr. V. Prakash, Senior Counsel
 For Ms.Jayasudha

For Respondent(s): Mr. M. Bindran
 Additional Government Pleader

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JUDGMENT(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

Under assail is the writ order dated 18.04.2022 passed in W.P.No.9573 of 2022. The Writ Petitioner is the appellant before this Court.

2. Challenging the charge memo dated 02.11.2021, the writ petition came to be instituted. Two charges have been framed against the writ petitioner. First charge relates to registration of a criminal case by the CBI in RC.08/A/2018, CBI/AC-III/ New Delhi, under Sections 120B r/w. Section 7, 8 & 12 and 13 (2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.

3. Admittedly, the appellant was arrested by the CBI and was in judicial custody and thereafter released on bail. The second charge is that while holding the post of Designated Officer under Food Safety Act from 04.08.2012 to 07.06.2015, he failed to inform the authorities about the registration of the criminal case against him.

4. A perusal of the charge memo would show that two charges have been framed and Annexure – 2 provides the statement of imputations and Annexure – 3 provides the documents relied upon for the purpose of establishing the charges. This Court does not find any infirmity in respect of the charge memo issued to the appellant.



5. The learned Senior Counsel appearing for the appellant would mainly contend that there was no application of mind, while framing the charges and that the charges are vague. It is further contended that the arrest *per se* would not constitute misconduct under the Rules. Therefore, the charges are liable to be quashed.

6. The learned Additional Government Pleader would oppose by stating that the appellant has involved in a criminal case in the matter of prohibited product namely, *Gutka* and the CBI registered a criminal case and he was in judicial custody from 06.09.2018 to 09.04.2019 and thereafter, released on bail.

7. The Writ Court considered these aspects and found that the merits involved in the charge memo need not be adjudicated by the High Court and accordingly, rejected the Writ Petition.

8. This Court is of the considered view that the charge memo *per se* would not provide a cause for institution of writ proceedings. The charge memo can be challenged if it is issued by an incompetent authority having no jurisdiction or if allegation of *mala fides* are raised. No doubt, vagueness is also a ground may be considered, while entertaining a writ petition against a charge memo. However, vagueness, if found apparent and if there is no scope for conducting any enquiry into the charges, then alone the Court would interfere. In other cases, the disciplinary authority has to conduct an enquiry, ascertain the truth and dispose of the disciplinary proceedings by following the procedures contemplated under the Tamil Nadu Civil Services (Discipline and Appeal) Rules.



9. The High Court, in exercise of the powers of the judicial review, cannot adjudicate the disputed facts relating to charges framed against a Government servant. All such facts are to be adjudicated with reference to the documents and evidence available on record. Therefore, any findings on merits, at this stage, would cause prejudice to either of the parties. This exactly is the reason why the scope of entertaining a writ petition against a charge memo is limited.

10. In the present case, the learned Senior Counsel for the appellant would contend that the arrest *per se* is not amounting to misconduct. Misconduct has been defined in various forms under the Tamil Nadu Government Servants' Conduct Rules, 1973. Rule 20 of the Tamil Nadu Government Servants' Conduct Rules deals with conduct, integrity and devotion to duty. It mandates that every member of the service shall at all the time maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a member of the service.

11. In the present case, the appellant admittedly was in judicial custody for more than seven months and initially, the Department was unaware of the fact regarding registration of a criminal case by the CBI. The appellant is not an accused in the criminal case. In any event, these are all the factual aspects, require to be investigated and adjudicated in the criminal trial and it would be unnecessary for the writ Court, at this stage, to give any finding on such disputed facts.



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12. The Writ Court had directed the disciplinary authority to dispose of the disciplinary proceedings as expeditiously as possible. This, by itself, is the only possible remedy, which can be extended in a matter involving a challenge to a charge memo. Therefore, there is no scope for further interference and consequently, the Writ Appeal stands dismissed. The connected Miscellaneous Petitions are also closed.

(S.M.SUBRAMANIAM, J.) (C.KUMARAPPAN, J.)
06-01-2026

Index :Yes

Asi

To

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