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W.P.No.17463 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.17463 of 2021

I.Amanullah

... Petitioner

vs

1. The Director of School Education,
D.P.I Compound, College Road,
Chennai – 600 006.

2. The Joint Director of School Education
(Personnel),
D.P.I Compound, College Road,
Chennai – 600 006.

3. The Chief Educational Officer,
Kancheepuram District,
Kancheepuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the second respondent dated 07.07.2021 bearing reference No.R.C.No.18587/A4/S2/2000 imposing the penalty of dismissal order from service and quash the same as being illegal, arbitrary, vindictive and in violation of the principles of natural justice and consequently direct the first and second respondents to pay all benefits including monetary for the period the petitioner was placed under suspension within a time frame and to pass orders.



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For Petitioner : Mr.P.Aravindh
for Mr.S.Saravanakumar

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For Respondents : Mrs.P.Rajarajeswari
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents and perused the records.

2. Briefly, put the case of the petitioner is that the second respondent, before passing impugned order dated 07.07.2021, though had issued a show cause notice dated 01.04.2021 invoking Rule 17 (c) (i) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, did not take into consideration the explanation submitted by the petitioner thereto on 16.06.2021 and as such, the impugned order is vitiated.

3. On behalf of the petitioner, it is further contended that though the second respondent in the impugned order acknowledges the petitioner having submitted his written explanation to the show cause notice issued, however, did not assign any reasons for not considering the explanation offered by the petitioner while passing the impugned order and as such, the impugned order is in violation



of principles of natural justice and also contrary to the requirements specified in Rule 17 (c) (i) of the Rules.

4. Contending as above, the learned counsel for the petitioner seeks for setting aside the impugned order.

5. The learned Government Advocate appearing on behalf of the respondents, by drawing the attention to this Court to the counter filed on behalf of the respondents would submit that the second respondent, before passing impugned order, had complied with the provisions of Rule 17 (c) (i) of the Rules and thus, the impugned order does not call for any interference.

6. The learned Government Advocate further submitted that on the petitioner being convicted under the provisions of Prevention of Corruption Act and being awarded a sentence of 7 years Rigorous Imprisonment, he was issued with the show cause notice dated 01.04.2021 under Rule 17 (c) (i) of the Rules, calling upon the petitioner to submit his explanation within 15 days from the date of receipt of the show cause notice and on the petitioner sending his explanation on 16.06.2021 through Courier, the second respondent authority, by considering the



explanation submitted and having found the reasons stated therein not being satisfactory, had passed the impugned order by noting that the explanation has been considered.

7. Contending as above, the learned Government Advocate seeks for sustaining the impugned order.

8. I have taken note of the respective submissions as urged.

9. Though the second respondent had invoked the provisions of Rule 17 (c) (i) of the Rules for initiating disciplinary action against the petitioner for imposing the penalty of dismissal from service consequent upon the conviction recorded by the concerned criminal court in Special Case No.4 of 2021 registered under the provisions of Prevention of Corruption Act and had issued the show cause notice dated 01.04.2021, the second respondent, while passing the impugned order has merely recorded that the written explanation submitted by the petitioner has been duly considered, without recording reasons for the said authority not agreeing with the explanation submitted by the petitioner in order to pass the impugned order whereby the petitioner is visited with the penalty of dismissal from



the Civil Services of State Government specified under Clause (viii) of Rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

10. It is a trite law that reasons are the heartbeat of any proceedings (See: **2003 (11) SCC 519** in the case of ***Raj Kishore Jha V. State of Bihar and others***)

11. The recording of the second respondent in the impugned order that the petitioner has given a written representation, which has been duly considered by the undersigned, cannot be treated as the Authority recording reasons for not accepting the explanation submitted by the petitioner while visiting the petitioner with the order of penalty.

12. Further, the Rule 17 (c) (i) of the Rules also contemplates that the member of service is to be given a reasonable opportunity of making any representation that he may desire to make and if any, such representation, the same shall be taken into consideration before imposing the penalty.

13. Since the Rule prescribes consideration of the representation, the authority is required to record reasons for not agreeing with the explanation



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submitted and cannot merely brush aside the explanation submitted by stating that the explanation has been considered by the said authority.

14. Since, the impugned order passed by the second respondent did not record reasons for not accepting the explanation submitted by the petitioner to the show cause notice dated 01.04.2021, this Court is of the view that the impugned order cannot be sustained.

15. Accordingly, Writ Petition is allowed. The impugned order is set aside and the matter is remitted back to the second respondent to pass orders afresh by considering the explanation submitted by the petitioner to the show cause notice and also by giving an opportunity of hearing to the petitioner and take further action in accordance with law. The second respondent on passing of the order shall communicate the same to the petitioner within a period of one week therefrom. No order as to costs.

29.01.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh



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T. VINOD KUMAR, J.

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