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W.P.No.28299 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 28299 of 2024

&

W.M.P.Nos. 30835, 30836 & 30837 of 2024

R.Kumaran

...Petitioner

Vs.

1. Government of Tamiinadu

Rep. By Principal Secretary to Government,
Department of Higher Education,
Secretariat,
Chennai - 600 009.

2. The Director of Collegiate Education
Saidapet
Chennai- 600 015.

3. The Joint Director of Collegiate Education,
(Planning & Development)
Directorate of Collegiate Education,
Saidapet, Chennai - 600 015.

...Respondents



W.P.No.28299 of 2024

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, calling for the records from the 1st Respondent relating to the proceedings of the 1st Respondent dated 05.02.2024 bearing reference No. G.O.(D)No. 25 Higher Education (F1) Department read with the consequential charge memos dated 25.06.2024, 28.08.2024 both bearing reference No. Charge Memo No. 4662/J5/2024 issued by the 2nd respondent and quash the same as illegal, arbitrary, vindictive, unconstitutional, without jurisdiction and to consequently direct the respondent to pay full salary and allowance for the period from 05.02.2024 by treating the said period as service which the petitioner would have been entitled to but for the impugned proceedings.

For Petitioner : Mr. N.G.R.Prasad
Senior Counsel
For M/s. Row and Reddy

For Respondents : Mr. M.R.Gokul Krishnan
Additional Government Pleader



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ORDER

This writ petition is filed for the following relief:

“To call for the records from the 1st Respondent relating to the proceedings of the 1st Respondent dated 05.02.2024 bearing reference No. G.O.(D)No. 25 Higher Education (F1) Department read with the consequential charge memos dated 25.06.2024, 28.08.2024 both bearing reference No. Charge Memo No. 4662/J5/2024 issued by the 2nd respondent and quash the same as illegal, arbitrary, vindictive, unconstitutional, without jurisdiction and to consequently direct the respondent to pay full salary and allowance for the period from 05.02.2024 by treating the said period as service which the petitioner would have been entitled to but for the impugned proceedings.”

2. The facts as set out by the petitioner is herein below narrated.



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3. The petitioner was selected through the Teacher Recruitment Board in the year 1996 and posted as a Lecturer in the H.H.Rajah's College, Pudukottai. In the year 2009, he was promoted as an Associate Professor and on 09.03.2023 as Principal. Thereafter, he was posted to the Government Arts College, Kadayanallur, Tenkasi District.

4. Pursuant to the orders of the 2nd respondent, the petitioner had issued an advertisement in the newspaper apart from notifying names from the employment exchange for the post of Assistant Programmer for the Government Arts College, Kadayanallur. One of the educational qualifications for the said post was a diploma in Computer Science.

5. In response to the advertisement, 40 candidates submitted their application and 5 sponsored by the employment exchange. The selection of the candidates was done after following due procedure as per rules.



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6. On 16.10.2023, 18 out of 45 candidates appeared for an interview. The selection committee was headed by the petitioner along with two Assistant Professors of Computer Science. The selected candidate Aruna had secured 254 marks out of 300 marks and she was selected and selection order was issued to her. The selected candidate possessed a higher educational qualification i.e., B.E (Computer Science) and M.E (Computer Science). Thereafter, she joined duty on 27.10.2023.

7. On 12.12.2023, the petitioner was transferred to the Government Arts and Science College, Jumbukulam, Ranipet District and thereafter suspended by order of the 1st respondent dated 05.02.2024. It appears that one Dharani, who was an unsuccessful candidate having secured 82 marks out of 300 marks had filed WP. (MD).No.9272 of 2024 challenging the selection which was dismissed by order of the Court dated 16.04.2024. She had also made a complaint through her father S.Rajavelu.



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8. On 25.06.2024, the 2nd respondent issued show cause notice to the selected candidate Aruna and had also ordered departmental proceedings against the petitioner stating that he had selected an unqualified candidate, vide charge memo dated 25.06.2024. As against the show cause notice dated 25.06.2024, the said Aruna had filed writ petition in WP.(MD).No.15064 of 2024, which after contest was allowed on 09.07.2024. It is after the orders in WP(MD).No.15064 of 2024, that the second charge memo dated 28.08.2024 was issued to the petitioner adding the word “*favoritism*”. Therefore, the petitioner has come forward with this writ petition.

9. A counter affidavit has been filed by the 3rd respondent for the self and on behalf of other respondents, wherein, he would deny the contentions made in the affidavit filed in support of the writ petition. One of their contention is that the selected candidate Aruna is the wife of one Kalaiselvan, who was working as an Assistant in the same college. The interview was conducted by two subject experts working in the same department, namely, Computer Science which was under



the administrative control of the petitioner.

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10. The respondent would allege that the petitioner had indulged in malpractices to show favouritism to candidates. They would further submit that the petitioner was suspended and therefore he was not included in the list of promotion panel for the post of Grade II Principal and cannot be stated that he rendered an unblemished services. They therefore sought for dismissal of the writ petition.

11. Heard the learned counsels on the either side and perused the records.

12. A mere perusal of the events which preceded the impugned order as also the issuing of charge sheet against the petitioner smacks of *mala fide* and arbitrariness.

13. The entire proceedings against the petitioner has been initiated based on a complaint given by an unsuccessful candidate Dharani. This candidate had filed WP.(MD).No.9272 of 2024,



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challenging the selection by couching the writ petition as one for considering her representation dated 20.03.2024. The representation itself was a challenge to the selection process.

14. A perusal of the order dated 16.04.2024 in WP.(MD).No.9272 of 2024, would indicate that the petitioner therein (A.Dharani) had falsely contended that the selected candidate Aruna did not possess the prescribed qualifications, whereas, she possessed the same. It was her contention that she had therefore sent a representation to cancel the said Aruna's appointment which has not been considered. Therefore, the said writ petition was filed.

15. The learned Government Advocate who appeared for the respondents had submitted that the selected candidate had completed B.E. Computer Science and M.E. Computer Science and had been selected after having followed the selection process. This Court had taken note of the fact that as against qualification required i.e., B.Sc. Computer Science the selected candidate had degree in B.E.Computer Science which is a more intensive course on the subject.



16. The learned Judge dismissed the writ petition observing as follows:

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“8. The petitioner has filed this Writ Petition due to some wrong assumption about the qualification, requirement or practicability. Even in this Writ Petition, the petitioner has not chosen to implead the said individual by name Aruna, who is presently working with the Respondent college for the said post. Since the Writ Petition has been filed due to a wrong notion of the qualification possessed by the appointee, does not deserve an order favouring the petitioner.

9. In view of the above stated reasons, this Writ Petition stands dismissed. No costs.”

17. Thereafter, it appears that charge sheet was issued by the 2nd respondent to the petitioner as well as to the selected candidate. The selected candidate has challenged the memo by filing WP. (MD)No.15064 of 2024 and by order dated 09.07.2024, this Court was pleased to allow the writ petition and set aside the show cause notice dated 25.06.2024. The learned Judge had placed his reliance upon her earlier order passed in WP.(MD).No.9272 of 2024.



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18. It is after this writ petition had been allowed that the second show cause notice had been issued on 28.08.2024 on the very same grounds. This Court in the earlier two writ petitions have clearly held that the selected candidate was qualified to be appointed to the post of Assistant Programmer. In fact, the Court had observed that she had a very intense qualification than the one sought.

19. Further, in WP.(MD).No.9272 of 2024, the respondents have themselves justified the appointment of Aruna to the said post and have also stated that due procedure has been followed and there is no irregularity in the appointment. Having done so it does not lie in their mouth to now issue a show cause notice. The suspension of the petitioner is itself *mala fide* and without any legal basis.

20. It is brought to the notice of this Court that the petitioner has since retired. Therefore, he shall be deemed to have continued in service from the date of his suspension till the date of his retirement.



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His terminal benefits shall be accordingly calculated and the same shall be disbursed to him within a period of 2 months from the date of receipt of a copy of this order. This Court deprecates the action of the 2nd respondent in issuing the charge memo dated 28.08.2024, after this Court has observed that there was no infirmity in selecting the said candidate Aruna and after the respondents have themselves justified the appointment of the said Aruna.

21. Accordingly, the impugned order is quashed and this writ petition is allowed with the aforestated directions. Consequently, the connected miscellaneous petitions are closed. No costs.

23.03.2026

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W.P.No.28299 of 2017

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Department of Higher Education,

Secretariat,

Chennai - 600 009.

2. The Director of Collegiate Education

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