2026:MHC:4599

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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

Case QR

WP No. 33207 of 2023
CNR:{HCMA012098162023}
and
WMP No. 32921 OF 2023

M.Subramoniam
S/o. Muthukumar,
33/78 Methu Street, Athipethu,
Chennai 58.

..Petitioner(s)

Vs

1. The Appellate Authority Cum
   Joint Director Of School Education (Secondary)
   DPI Complex, Chennai 600 006.
2. The Secretary
   P.J. Gupta's High School,
   51/193 MTH Road, Ambattur,
   Chennai 53.

..Respondent(s)

Writ Petition 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 Order dated 31.05.2023 bearing No. 404 /G2/ T1/ E1/ 2022 passed by the First respondent and quash the same to the extent of passing an order of punishment of stoppage of Petitioner's increment with cumulative effect for 3 years to be passed by the 2nd respondent and direct the respondents to restore the petitioner in service with full salary and other benefits from 23.07.2021.

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For Petitioner(s): Mr.S.Rajeni Ramadass
for Rajeni Associates

For Respondent(s): Mrs.Y.Kavitha
AGP For R1
Mr.B.Thiyagarajan for R2

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ORDER

This Writ Petition has been filed challenging the impugned order dated Order dated 31.05.2023.

2.The brief facts which are necessary for the disposal of the present Writ Petition is that, the petitioner joined in the second respondent-school as a Secondary Grade Teacher on 29.01.1996. Since the petitioner did not report duty on 20-07-2021, the Headmistress Mrs.Kavitha marked him absent in pencil. It is the case of the Management that the petitioner came to the School with an inebriated condition and threatened them in a filthy language and later, went to the Headmistress' residence and assaulted the headmistress' brother. Immediately after the above incidents, the petitioner was placed under suspension on 23-07-2021. Later on, a police complaint was also registered against the petitioner on 24.07.2021 in CSR No.889 of 2021. Subsequently, the School Committee approved the suspension and later on extended the suspension and ultimately initiated the disciplinary proceedings by issuing a charge memorandum dated 17.09.2021, for which the petitioner has sent an

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explanation on 29.09.2021. Subsequently, he was called upon to appear before the School Committee on 15.10.2021 and in the meeting on 25.10.2021, the School Committee has found him guilty of all charges framed against the petitioner. Later on, a show-cause notice was issued to him on 18.11.2021 as to why a major punishment should not be imposed against him. After receipt of response to such show-cause notice, vide Minutes dated 29.01.2022, decided to impose a punishment of stoppage of increment with cumulative effect for six years and for deduction of pension. Such punishment was intimated to the petitioner on 10.02.2022. Aggrieved with the same, the petitioner preferred an appeal before the first respondent on 26.03.2022 and the first respondent has passed the impugned order on 31.05.2023, wherein the Appellate Authority has modified the punishment only to the extent of withholding of increment for three years with cumulative effect. Aggrieved with the same, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned counsel for the 2nd respondent.

4.The main contention put forth by the learned counsel for the petitioner is that no opportunities were given to the petitioner, and the principles of natural

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justice have not been followed. While considering the punishment, the Disciplinary Authority has taken into consideration of the extraneous materials, which was not at all furnished to him. It is also his contention that no witnesses were examined and that the petitioner was not given any opportunity to cross-examine those witnesses. It is also his contention that having the Appellate Authority has rightly come to the conclusion that the procedures had not been followed, instead of setting aside the punishment has modified the same, which is contrary to law. Hence, prayed to interfere with the punishment.

5.*Per contra*, the learned counsel appearing for the 2nd respondent would vehemently contend that the principles of natural justice had been effectively followed. She would also contend that all the documents, which were relied by the Disciplinary Authority, had been forwarded to the petitioner and that the petitioner had admitted his guilt. Therefore, no necessity arises for the examination of the witnesses. The learned Additional Government Pleader would further contend that each and every stage, the petitioner was put on notice and that only after hearing his objection, the impugned order was passed imposing the punishment of stoppage of increment with cumulative effect for six years and the deduction of pension post-retirement. It is the contention of the learned counsel that the 2nd respondent had furnished all the documents to the

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petitioner and that the petitioner's conduct of assaulting the Headmistress' brother was admitted by him before the Ambattur Police Station and he had also given an apology letter before the Ambattur Police Station. It is also her contention that the petitioner never disputed the suspension order. Therefore, having not disputed the suspension, now that he cannot find any fault with respect to the same. It is also her contention that before imposing any punishment, all the explanations which had been given by the petitioner was considered. Therefore, there is no legal requirement mandating the cross-examination of the complainant under these circumstances. It is her further contention that when the contemporaneous evidence discloses the delinquency in accordance with the preponderance of probability, the non-furnishing of the opportunity for cross-examination would in no way prejudice the petitioner's defence. Hence, prayed to dismiss the writ petition.

6.The above contention was reiterated by the learned Additional Government Pleader.

7.I have given my anxious consideration to either side submissions.

8.Admittedly, the petitioner was given a charge memorandum on 17.09.2021. The Gist of those charges are as follows:-

- Violation of Section 21 and Rule 16 read with Annexure II (Code of Conduct).

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- Wilful absence from reporting to school from 19.07.2021 to 29.07.2021 without prior intimation/permission.
- Reporting to school under the influence of alcohol on 20.07.2021 and abusing/threatening the Headmistress and office staff.
- Criminal acts involving moral turpitude, including assaulting the Headmistress's brother with a knife.
- Unfitness to discharge teaching duties due to chronic alcoholism, posing a threat to staff and students.
- Undertaking higher studies (M.A. in History at Annamalai University) without obtaining prior permission from the School Committee.
- Attempting to bring external political influence on thwart disciplinary proceedings.

9.The petitioner has given an explanation for the above charges. It is the specific contention of the respondent that, in the explanation, the petitioner had admitted the charges. But, while reading the explanation, this Court finds that the petitioner has strongly refuted the charge. However, if at all if there is any admission, it is only with respect of having a degree from the Annamalai University without obtaining the prior approval.

10.At this juncture, this Court deems it appropriate to refer the Minutes of meeting of the School Committee dated 25.10.2021, at 3.30 hours, wherein it has been stated as follows:-

> *“6)When Teacher Subramaniam was asked to give a written apology, he began shouting and using derogatory language, saying “how dare Vanaja give a complaint against me, I will see to her later.” He failed to show any remorse for his actions and instead was disrespectful to the members of the School Committee of P.J.Gupta’s High School.*

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7)After taking into account the statements and documents mentioned at point (5) above, along with the apology of Mr.Subramaniam, the Committee has found Subramaniam guilty of all the charges against him, based on all the evidence placed on record. ***In addition, the Secretary played a recording before the Committee, which he recorded on his phone, on the date of the incident, i.e., 20.07.2021, wherein Subramaniam is heard yelling and abusing Ms.Kavitha."***

11.According to the above Minutes, though it was contended that the petitioner had admitted the delinquency, admittedly, no such admission was made by the petitioner in writing. However, it is assumed by the Disciplinary Authority that the petitioner, though orally admitted, refused to sign in the written apology. Therefore, the contention that the petitioner had apologised for his conduct is without any basis. Hence, the same cannot be accepted at all. Further, while deciding the charge, the respondent has taken into consideration of an additional material, viz., some digital recordings. Admittedly, such document was not furnished to the petitioner.

12.In the case in hand, when the petitioner has stoutly denied the very allegation, he ought to have been given an opportunity to cross-examine the witnesses. In this regard, the learned counsel for the respondent would contend that in view of the availability of contemporaneous documents such as FIR and

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the apology letter given before the police, there is no necessity to afford an opportunity to the petitioner to cross-examine the witnesses. However, no such apology letter, which allegedly given by the delinquent to the police, was furnished to the petitioner. However, the petitioner stoutly denied any such apology letter given before the police. Even if there is any apology letter, according to him, it was only due to the coercion and duress, which submissions cannot be outrightly denied and we very well aware what is happening in the police station.

13.Though the decision of the School Committee is based on majority, some of the Members have raised their objections with regard to the punishment. When there is a specific charge with regard to the inebriation, this Court is of the firm view that a reasonable opportunity should have been given to the petitioner to defend himself effectively. Further, the witnesses have to be examined in the presence of the delinquent, unless it is too difficult for the authorities to do so. While looking into the punishment, the Disciplinary Authority has imposed a bunch of punishment, which is prohibited under the service jurisprudence.

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14.Here, the Appellate Authority, though modified the punishment, has given a positive finding that the second respondent did not follow a proper procedure and has not been given sufficient opportunity to the petitioner and acted arbitrarily. Against such observation, the Management did not file any appeal. Therefore, it is amply clear that even according to the findings rendered by the Appellate Authority, the petitioner was not given any sufficient opportunity and besides, the conduct of the second respondent was arbitrary. Therefore, this Court finds all justification to interfere with the impugned order of the Appellate Authority dated 31.05.2023 and the same is liable to be set aside.

15.Accordingly, this Writ Petition stands allowed. The impugned order dated 31.05.2023 is hereby set aside. Consequently, the punishment imposed by the School Committee through their Minutes dated 29-01-2022 is also set aside. As a result of which, the matter is remitted back to the second respondent directing the second respondent to conduct a *de novo* enquiry, after affording all opportunities to the petitioner. Until completion of the *de novo* inquiry, the petitioner cannot claim for full salary and other benefits. The second respondent is further directed to complete the disciplinary proceedings within a period of

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four(4) months from the date of receipt of a copy of this order. If the disciplinary proceedings not completed within a period of four(4) months for any reason, the 2nd respondent must seek extension of time. If not, the disciplinary proceedings would be dropped on the completion of the time limit provided hereinabove. No costs. Consequently, connected WMP is also closed.

17-11-2026

Index: Yes
Speaking order
Neutral Citation: Yes
KMI
To

1. The Appellate Authority
   Cum Joint Director Of School Education (secondary)
   DPI Complex, Chennai-600 006.
2. The Secretary
   P.J. Gupta's High School,
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C.KUMARAPPAN J.

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