



W.P. No.30125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.30125 of 2024

and

W.M.P.Nos.32830, 32832 and 32833 of 2024

and

W.M.P. No.3369 of 2026

Dr.Jailapdeen.S

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Petitioner

Vs

1. The Principal Secretary
Higher Education Department
Secretariat
Chennai 600 009.
2. The Director of Collegiate Education
Institute of Advanced Study in Education Campus
577 Anna Salai
Saidapet
Chennai 600 015.
3. The Regional Joint Director of
Collegiate Education
Next to Income Tax Office
Race Course
Coimbatore 641 018.
4. The Secretary
PSG College of Arts and Science
Coimbatore 641 014.



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5. The Principal
PSG College of Arts and Science
Coimbatore 641 014.

6. Mr.T.Gowpathi Velappan
Enquiry Officer
PSG College of Arts and Science
Coimbatore 641 014.

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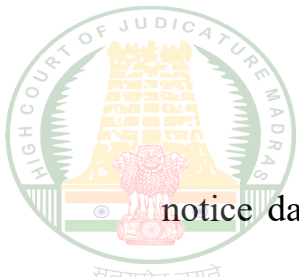
Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned charge sheet dated 12.09.2022 issued by the fourth respondent and consequent notice of enquiry dated 15.04.2024 and adjournment of enquiry notice issued by the sixth respondent dated 23.05.2024 and quash the same as illegal and arbitrary and consequently, direct the fourth respondent to forward the petitioner's Career Advancement Scheme (CAS) proposals to the third respondent under proceedings issued by the second respondent in RC.No.48913/G3/95 dated 14.9.1995 within a time frame fixed by this Court.

For Petitioner : Mr.J.Abdul Basith
For Respondents : Mr.K.Surendran
Additional Government Pleader
for RR1 to 3
Mr.R.Bharanidharan
for RR4 and 5

ORDER

The petitioner has filed the present writ petition challenging the charge memorandum dated 12.09.2022 issued by the 4th respondent and consequent



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notice dated 15.04.2024 and another notice of enquiry dated 23.05.2025 and seeking to quash the same.

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2. Facts in brief :-

a) The petitioner was shortlisted for interview and appointed as Assistant Professor in the Department of Social Work by the 4th respondent College by order dated 18.09.2014. His appointment was subsequently approved by the 3rd respondent by proceedings dated 20.05.2016 under BCM (M/W) category.

b) Pursuant to a circular dated 14.07.2021 issued by the 5th respondent inviting eligible faculty members to submit applications under the Career Advancement Scheme (CAS), the petitioner submitted his CAS application on 02.12.2021.

c) While so, six women faculty members of the Department submitted written complaints dated 14.12.2021 and 15.12.2021 alleging that the petitioner had indulged in acts of ill-treatment and use of indecent language towards them, causing mental agony. It was further alleged that the petitioner was non-cooperative in discharging academic duties assigned to him.

d) Based on the said complaints, the petitioner received a communication dated 02.05.2022. Thereafter, an impugned charge memorandum dated 12.09.2022 was issued framing two charges viz., i) Charge No.1: That the petitioner indulged in acts of directly ill-treating and using indecent



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language towards women teaching staff in the Department of Social Work, amounting to misbehaviour with women employees and ii) Charge No.2:

That the petitioner failed to cooperate in carrying out academic duties assigned to him.

e) Subsequently certain documents were relied upon including six written complaints from the concerned women faculty members dated 14.12.2021 and 15.12.2021, thus the allegations are levelled against the petitioner. Later on submission of his explanation, an Enquiry Officer was appointed on 15.04.2024 and enquiry was fixed on 25.04.2024. Subsequently, the enquiry was adjourned and next date of enquiry was not intimated.

f) In such circumstances, aggrieved by the issuance of the charge memorandum dated 12.09.2022, 15.04.2024 and 23.05.2024, issued by the 4th and 6th respondents respectively, the petitioner has approached this Court by filing this writ petition seeking quashment of the said impugned orders as stated supra.

3. Learned counsel for the petitioner submitted that the petitioner has been serving as Assistant Professor since 2014 with an unblemished record. He further contended that though the alleged complaints were made on 14.12.2021 and 15.12.2021, the charge memorandum came to be issued only on 12.09.2022, after a delay of nearly nine months, without any proper explanation and it is the



argument that, the delay vitiates the proceedings. He also submitted that the impugned charge memo was issued with mala fide intention to deprive the petitioner of his promotional benefits under the Career Advancement Scheme, as he had submitted his CAS application on 02.12.2021.

4. Learned counsel further submitted that despite seeking certain documents, including the resolution of the College Committee, the same were not furnished. The petitioner's explanation dated 22.09.2022 was kept pending for more than 18 months without conducting enquiry. Hence, on the ground of delay, mala fides, and lack of jurisdiction, the charge memorandum is liable to be quashed and prayed for allowing of this writ petition.

5. Per contra, learned counsel appearing for the respondents 4 and 5 submitted that six women faculty members had lodged written complaints alleging misconduct and misbehaviour by the petitioner. Immediately upon receipt of the complaints, the matter was placed before the Internal Committee of the College and a decision was taken to issue a show cause notice. Only upon being satisfied about the prima facie materials, the charge memorandum dated 12.09.2022 was issued by the 4th respondent. He further submitted that the delay caused, is explained by the fact that preliminary scrutiny and internal consideration were undertaken before framing formal charges and thus the same would not prejudice the petitioner.



6. Learned counsel further argued that a charge memorandum is only a preliminary step in disciplinary proceedings and does not determine guilt. The petitioner will have full opportunity to defend himself before the Enquiry Officer and the Disciplinary Authority. Therefore any interference at the threshold stage is unwarranted. In view of the above, he prayed for dismissal of this writ petition.

7. Reiterating the contents of the counter affidavit, learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that consequent to issuance of G.O. Ms. No.05, Higher Education (H1) Department, dated 11.01.2021, the 2nd respondent issued guidelines to all Colleges with regard to forwarding of proposal for CAS and the issue involved herein has to be dealt in by the respondents 4 to 6. Hence, he prayed for issuance of appropriate directions by this Court in the issue on hand.

8. This Court has carefully considered the rival submissions and perused the materials placed on record.

9. The law is well settled that ordinarily a writ petition challenging a charge memorandum is not maintainable unless the same is issued without jurisdiction or is ex facie illegal. A charge memo is only a notice calling upon the delinquent to explain the allegations and does not visit him with any civil consequences at that stage.



10. In the present case, the allegations are based on written complaints submitted by six women faculty members. The materials relied upon have been specifically mentioned in the charge memorandum. It cannot be said that the charge memo has been issued without any basis.

11. The contention regarding delay of nine months in issuing the charge memo cannot, by itself, be a ground to quash the proceedings, particularly when the respondents have stated that the matter was placed before the Internal Committee and examined before framing charges.

12. The plea that the charge memo was issued to deprive the petitioner of promotional benefits involves disputed questions of fact and motive, which cannot be adjudicated in a writ petition at this stage.

13. Further, the petitioner has already submitted his explanation and an Enquiry Officer has been appointed. The petitioner will have full opportunity to defend himself in the enquiry proceedings. If ultimately any adverse order is passed, it is always open to him to challenge the same in the manner known to law.

14. In view of the aforesaid reasonings, at this stage, this Court is not inclined to interfere with the impugned charge memorandum and subsequent notices issued by the 4th and 6th respondents.



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15. Accordingly, the Writ Petition stands dismissed. However, the respondents are directed to proceed with the disciplinary enquiry by affording full opportunity to the petitioner and complete the same, in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

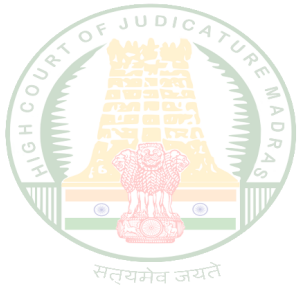
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Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

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M.DHANDAPANI, J.

vsi2

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