



WEB COPY



W.P.No.30225 of 2019  
and W.M.P.Nos.30197 & 30198 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.02.2022

DELIVERED ON : 22.03.2022

CORAM :

**THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM**  
**and**  
**THE HONOURABLE MRS. JUSTICE R.HEMALATHA**

W.P.No.30225 of 2019  
and  
W.M.P.Nos.30197 & 30198 of 2019

Dhanalakshmi

... Appellant

Vs.

1.State represented by  
Additional Chief Secretary,  
Home Secretary, Home Department,  
Secretariat, Chennai - 9.

2.The District Collector,  
Thiruvallur, Thiruvallur District.

3.The Superintendent of Police,  
Thiruvallur, Thiruvallur District.

... Respondents

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records made in the impugned order in G.O.Ms.No.1214, dated 16.10.2019 on the file of 1st respondent herein and quash the same and pass orders permitting the petitioner to continue the position as Special Public Prosecutor, Fast Track, Mahila Court, Thiruvallur.



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For Appellant : Mr.P.Subba Reddy  
For Respondents : Mrs.V.Yamuna Devi  
Special Government Pleader

## **JUDGMENT**

**(R.HEMALATHA, J.)**

This writ petition is filed by the petitioner, Dhanalakshmi, formerly Special Public Prosecutor of Fast Track Mahila Court, Thiruvallur. She has sought for quashing the impugned order in G.O.Ms.No.1214 dated 16.10.2019 in which her services as Special Public Prosecutor was terminated with immediate effect.

2.Briefly the facts of the case is elicited below :

The petitioner was appointed as Special Public Prosecutor of Fast Track Mahila Court, Thiruvallur vide G.O.(D) No.680 Home (Cts VIA) Department dated 02.09.2015 on temporary basis and subsequently was appointed to the same post for a period of three years vide G.O.(D) No.42, Home (Courts - VIA) Department dated 08.01.2018. According to her, she was sincere and hardworking and out of 439 cases disposed, she was instrumental in ensuring conviction and severe punishments in 16 cases which was widely appreciated by the Police, Bench and Bar. However, according to her an anonymous complaint against her casting aspersions



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on her honesty and integrity was taken cognisance by the then District

Collector Thiruvallur (2nd respondent) who summoned her on 11.07.2019 and recorded her statement and remarks on the said complaint. Based on the report of the then Superintendent of Police (3rd respondent) and the District Collector's findings, the State Government (1st respondent) issued the impugned G.O.Ms.No.1214 dated 16.10.2019 terminating her service as Special Public Prosecutor. This according to the petitioner was unreasonable and unjust. It also was a clear violation of the principles of natural justice and violative of Article 14, 16 and 21 of the Constituion of India.

3.Per Contra, the first respondent in his reply affidavit highlighted the following:

- i. The complaint against her was not an anonymous letter but a formal one by the Thiruvallur Advocate Association about her dishonesty.
- ii. Her poor track record of losing as many as 150 cases due to her deliberate inaction was in fact true.
- iii. There was a written complaint from one Kalaiselvan alleging that he was an eyewitness to the petitioner taking illegal gratification from the accused and informing the complainant Kalaiselvan that he had



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a weak case. His daughter was a victim of dowry and the petitioner

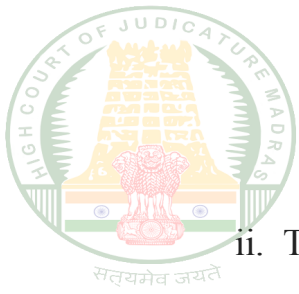
**WEB COPY** had the audacity to tell him that he had a weak case. The accused persons claimed of assured acquittal due to the assurance given by the petitioner.

- iv. The second respondent had given the petitioner an opportunity to explain herself.
- v. The post was a temporary one and there was no hard and fast rule as to the prior notice for termination. She was even now eligible for claiming the one month retainer fee in lieu of one month notice.
- vi. Her moral turpitude and integrity were found to be seriously adverse and her termination cannot be challenged.

4. Heard, Mr.P.Subba Reddy, learned counsel appearing for the petitioner and Mrs.V.Yamuna Devi, learned Special Government Pleader appearing for the respondents.

5. On perusal of all the records presented before this Court we find the following facts :

- i. The second respondent did not merely rely on the complaint letter dated 13.06.2019 preferred by Thiruvallur Advocates Association.



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ii. The second respondent wrote to the Superintendent of Police vide

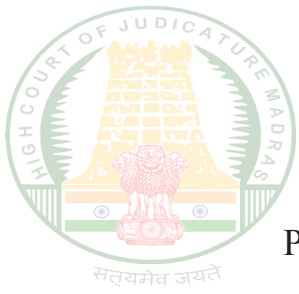
**WEB COPY** letter dated 09.07.2019 to find out the truth of the allegations made against the petitioner.

iii. The Superintendent of Police vide his letter dated 20.09.2019 had verified the facts and stated that the allegations of corruption made against the petitioner was true and that she had also misused her position by extracting menial work from the police constables on Court duty. It was also brought to light that on 04.07.2019 there was a 'road roko' agitation by the Advocates in front of the Mahila Court seeking removal of the petitioner from her post.

iv. The District Collector in turn wrote to the first respondent on 04.10.2019 stating the facts and the findings of the Superintendent of Police with specific cases of the petitioner's abuse of power. She had recommended for disciplinary action as deemed fit.

v. The specific case of special S.C.No.18/2015 was a POCSO case in which the petitioner had received illegal gratification from the accused and ensured their acquittal on flimsy grounds was referred to by the District Collector in her letter.

vi. The letter dated 26.09.2019 addressed to the second respondent by the third respondent listed out as many as 18 cases of murder,



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POCSO, rape, dacoity etc. which ended in acquittal for want of

WEB COPY evidence.

vii. In another letter from the third respondent to the second respondent he had also enclosed complaints and statements made by one Murali on 01.10.2019 and by one Stephanie on 30.09.2019 about the corrupt practices of the petitioner and how their cases were lost by the prosecution due to the petitioner. In both the cases, under POCSO Act, the petitioner as Special Public Prosecutor had tried to convince the victim and their parents, to compromise with the accused by receiving compensation. This act of hers was in itself a crime against the society and her continuance in the post would result in gross miscarriage of justice for the victims of such serious offences.

6. The petitioner in her letter dated 11.07.2019 to the Hon'ble Minister for Law, Tamil Nadu Government, had blamed a particular Advocate belonging to a political party who threatened her of dire consequences if she pursues prosecution case in special S.C.No.34 of 2017 for all the controversies. She also states that she belongs to the then ruling party and that political rivalry also was a cause to the happening. Giving a political colour seems to be the best way out. In special S.C.No.34 of



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2017, the acquittal by the trial Court was reversed by this Court in

WEB COPY CrI.A.No.154/2021. In this case the Public Prosecutor failed to adduce any

evidence for the age of the victim due to which the trial Court had concluded that the sexual act was consensual and that the victim was not a minor. This Court had to reverse the acquittal.

7.A famous quote is "truth is like the sun. You can shut it out for a time, but it aint going away". The petitioner was the Government advocate. Every advocate is a court officer and part and parcel of the justice delivery system. The public reposes great faith in the judiciary but the judges have to rely on their pillars, the advocates. The Government advocate being the representative of the Government has to act in a honest manner. If he / she goes around with the intention to make money at the cost of justice, only chaos will prevail. It is seen from the records that the petitioner was demanding bribes from the accused and acted like an extra consitutional authority attempting to fix up compromises in serious cases of offence and this caused a serious dent in the justice delivery system. The records speak for themselves. The written complaint by the aggrieved also had credibility to her misconduct. Her appointment was temporary. She was given a fair opportunity to defend herself. There is no violation of



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natural justice nor any fundamental rights enshrined under Article 14, 16

WEB COPY and 21 of the Constitution.

8.In the result, this writ petition is dismissed. No costs.

Cosequently, the connected writ miscellaneous petitions are closed.

(M.K.K.S., J.) (R.H., J.)

22.03.2022

Index : yes/no  
Speaking /Non speaking Order  
mtl

**K.KALYANASUNDARAM, J.**  
**and**  
**R.HEMALATHA, J.**

mtl





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Pre-Delivery Judgment in  
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