

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :04.03.2015

CORAM:

The Honourable Mr. Justice K.K.SASIDHARAN

W.P.No.34720 of 2014

& M.P.No.1 of 2014

S. Natesan

...Petitioner

- Vs. -

1. The Commissioner
Directorate of Arts and Culture
Tamil Development Campus
II Floor, Halls Road
Near to Government Children Hospital
Egmore, Chennai-8.

2. The Headmaster
The District Government Music School
19, Kalimuththan Street
PWD Complex
Sivaganga - 630 561.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records in respect of the Order/Proceedings No.4391/E1/2009-2 dated 18 December 2014 issued by the first respondent, quash the same and direct the first respondent to permit the petitioner to continue in the post of Thavil Teacher in District Government Music School, Sivaganga in adherence to the order of appointment already issued on 13 August 2013 by the first respondent.

For Petitioner : Mr. R. Ramachandran

For Respondents : Mr.P. Sanjaigandhi
Addl. Govt. Pleader

ORDER

This writ petition is directed against the order dated 18 December 2014 on the file of the first respondent, whereby and whereunder the appointment of petitioner, pursuant to the order dated 13 August 2013, as Thavil teacher was set aside.

2. According to the petitioner, he was appointed as Thavil Teacher in District Government Music School, Sivaganga by order dated 13 August 2013 after undergoing a regular selection process and he has been working in the said capacity. The first respondent without taking into account the selection process undergone by the petitioner, terminated his service vide order date 18 December 2014. Feeling aggrieved, the petitioner is before this Court.

3. The first respondent filed a counter affidavit justifying the impugned order. According to the first respondent, the petitioner was wrongly appointed as Thavil Teacher in the place of Thiru R. Manikandan. According to the first respondent, the Government conducted enquiry and it was found that the appointment order was wrongly issued to the petitioner. According to the first respondent, the appointment order issued to the petitioner was under Rule 10(a)(i) of the Tamil Nadu State and Subordinate Service Rules and as such he has no justifiable claim to continue in service.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

5. The petitioner made a claim that he was appointed on regular basis as Thavil Teacher. The appointment order dated 13 August 2013 very clearly shows that it was an appointment made under Rule 10(a)(i) of the Tamil Nadu State and Subordinate Service Rules. The petitioner wanted to read the said order as one made under Rule 10(a) of the Rules. I am not inclined to accept the said contention. When it is made out that the appointment was on temporary basis, the petitioner cannot be heard to say that he should be permitted to continue. The first respondent has given certain factual particulars with regard to the circumstances under which the appointment order was issued to the petitioner instead of issuing appointment order to Thiru R. Manikandan, whose name was recommended for appointment. I am not inclined to deal with the larger issue in view of the fact that appointment of the petitioner was purely on temporary basis. I therefore do not find any reason to set aside the impugned order.

6. In the result, the writ petition is dismissed. Consequently the connected MP is closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Tr/

To

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Sivaganga - 630 561.

+1 cc to Government pleader sr no.12332

+1 cc to MR.R.RAMCHANDRAN Advocate sr no.11984

rv[co]
rd20/3/15.

सत्यमेव जयते

W.P.No.34720 of 2014

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