

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5140 of 2011

and

M.P.No.1 of 2011

D.Rukmani

.. Petitioner

Versus

1.The District Educational Officer,
Virudhachalam Taluk,
Cuddalore District.

2.The Assistant Educational Officer,
Nallur,
Virudhachalam Taluk,
Cuddalore District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records on the file of the 1st respondent relating to the impugned order forbearing Ref.No.Na.Ka.3651/A1/99 dated 17.2.2011 and quash the same.

For Petitioner : Mr.D.Bharatha Chakravarthy
for M/s.Sai Bharath & Ilan
For Respondents : Mr.A.Zakir Hussain
Govt. Advocate

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari calling for the records on the file of the respondent relating to the impugned order forbearing Ref.No.Na.Ka.3651/A1/99 dated 17.2.2011 and quash the same.

2.The petitioner was appointed as a watch woman on 30.04.1992 by the first respondent in the Government Higher

Secondary School, Veppur. On verification of the record sheet of the petitioner issued by the Sirunesalur School, the first respondent terminated the petitioner on 17.12.2011 based on the report submitted by the Assistant Primary Educational Officer, Nallur, stating that the certificate is bogus. Challenging the said termination order, the petitioner has filed the present Writ Petition.

3. Heard Mr.D.Bharatha Chakravarthy representing M/s.Sai Bharath & Ilan, learned counsel appearing on behalf of the petitioner and Mr.A.Zakir Hussain, learned Government Advocate appearing on behalf of the respondents.

4.Admittedly, the qualification prescribed for the post of watchman is that the candidate should be literate and there is no prescribed educational qualification. Neither the first respondent nor the second respondent had given the petitioner an opportunity to prove that the certificate was genuine. As a matter of fact, the genuineness of the record sheet of the petitioner was done behind the back of the petitioner and a stringent punishment of termination of services was made without giving her an opportunity to prove as to whether the certificate is genuine or not. Further more, at the time of termination, the respondent had not given her due opportunity, since no enquiry was conducted.

5.The reasoning of the respondents that, inquiry need not to be conducted as the petitioner was temporarily appointed cannot be countenanced, since she was on regular post on a time scale of pay. Above all, she has been working in the Government School from the year 1987 onwards. The conduct of the respondents in not giving her an opportunity to prove the genuineness of the certificate and likewise denial of due opportunity when she was terminated from her service is in violation of principles of natural justice. On this short ground, the impugned order is liable to set aside and accordingly quashed.

6.It is now brought to the notice of this Court that the petitioner has attained the age of superannuation. Hence there shall be a direction to the respondents to settle all the terminal benefits including her back wages within a period of eight weeks from the date of receipt of copy of this order.

7.With the above observation, the Writ Petition is allowed.
No Costs. Consequently, connected Miscellaneous Petitions is
also closed.

-Sd/-
Assistant Registrar

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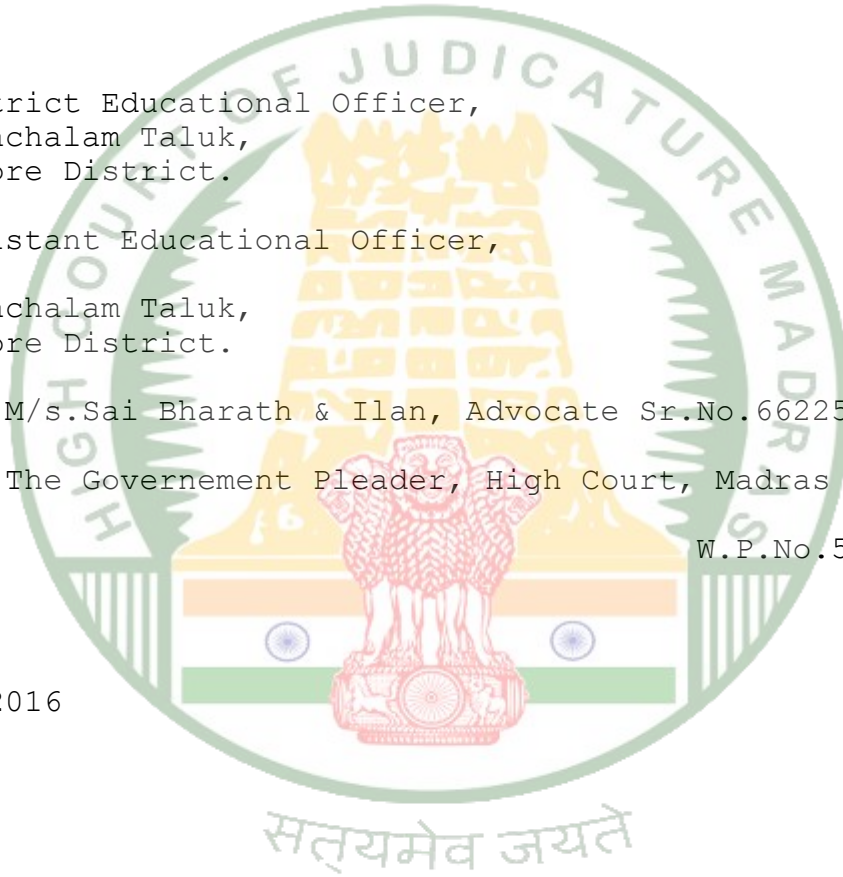
Sub Assistant Registrar

To

- 1.The District Educational Officer,
Virudhachalam Taluk,
Cuddalore District.
 - 2.The Assistant Educational Officer,
Nallur,
Virudhachalam Taluk,
Cuddalore District.
- + 1 cc to M/s.Sai Bharath & Ilan, Advocate Sr.No.66225
- + 1 cc to The Governement Pleader, High Court, Madras Sr.No.66654
W.P.No.5140 of 2011

CO/MSM

VS 26/12/2016



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