

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Appeal No.1106 of 2016
& C.M.P.No.14362 of 2016

S.Natesan ... Appellant/Petitioner

Vs.

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

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

... Respondents

Writ Appeal filed against the order dated 04.03.2015 made in
W.P.No.34720 of 2014.

W.P.No.34720 of 2014 : Writ Petition filed under Article 226 of
the Constitution of India, seeking Writ of Certiorarified
Mandamus, calling for the records in respect of the Order/
Proceedings No. 4391/E1/2009-2, dated 18.12.2014 issued by the
1st respondent quash the same and direct the 1st 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 13.08.2013 by the 1st
respondent.

For Appellant : Mr.C.Selvaraj, Senior Counsel
for M/s.C.S.Associates

JUDGMENT

(Judgment of the Court was made by M.JAICHANDREN,J.)

This Writ Appeal has been filed challenging the order passed by the learned Single Judge, dated 04.03.2015, made in W.P.No.34720 of 2014.

2. The said Writ Petition had been filed challenging the order, dated 18.12.2014, on the file of the first respondent, whereby, the appointment of the petitioner, as a Thavil Teacher, was set aside.

3. The case of the appellant herein is that he had been appointed as a Thavil Teacher, in the District Government Music School, Sivaganga, by an order, dated 13.08.2013, after going through the regular selection process. Based on his appointment, he had been working as a Thavil teacher, in the said school. However, the 1st respondent terminated the services of the appellant, vide order, dated 18.12.2014, and that they have stated that the appointment of the appellant had been made, irregularly. It had been stated that the appellant had been appointed as a Thavil Teacher, in the place of one Thiru R.Manikandan, who had got more marks than the appellant. While the appellant had scored 227 marks, the said R.Manikandan had scored 269 marks. It is also found that in the appointment order passed in favour of the appellant, dated 13.08.2013, it had been made clear that his appointment is purely temporary in nature and it could be terminated without showing any reason and without the issuance of a prior notice to him. In such circumstances, the appellant had challenged the impugned order passed by the 1st respondent terminating the services of the appellant, who had approached this court by way of Writ Petition, under Article 226 of the Constitution of India.

4. The learned Single Judge have considered all the issues raised before this court and had dismissed the Writ Petition taking into consideration the fact that the appellant had been appointed, as a Thavil Teacher, only on temporary basis and that his appointment could be terminated without issuing any notice or giving any reasons. The learned Single Judge had stated that the appointment of the appellant herein was erroneous in nature as he had obtained lesser marks than R.Manikandan and that the appointment of the appellant had been wrongly granted to him.

5. Even according to the learned Senior counsel appearing on behalf of the appellant, the selection process, through which the appellant had been selected and the appointment made was itself erroneous in nature. Further, the appellant had not

questioned the selection process, before this court, till date. In such circumstances, we do not find any cause or reason to interfere with the order passed by the learned Single Judge, dated 04.03.2015, made in W.P.No.34720 of 2014. Hence, the Writ Appeal stands dismissed. No costs. Consequently, connected CMP is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nvsri

To

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+1cc to M/s.C.S.Associates, Advocate, S.R.No.52126

W.A.No.1106 of 2016

GJ(CO)
CA(05/10/2016)

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