

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2017

CORAM

The Hon'ble Mr. Justice M. Sathyanarayanan

W.P.No.4356 of 2017

E.Palani

... Petitioner

Vs.

1. The Director of Tribal Welfare  
Ezhilagam, Chennai - 600 005.

2. The Headmaster,  
Ekalaiva Model Tribal Residential,  
Higher Secondary School,  
Vellimalai,  
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus, directing the first respondent to pass orders on the review petition submitted by the petitioner, dated 12.08.2014, and to cancel the order of termination from service issued in Na.Ka.No.Pa.Me/Aa1/1501/2014, dated 28.07.2014, and to reinstate the petitioner in service as Clerk in the second respondent-School with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.V.Anandamoorthy  
Additional Government Pleader

ORDER

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner claims that he belongs to scheduled caste community and also hailing from poor family and with great difficulty, acquired qualification of B.B.A and B.Lis. After completing PGDCA, he registered his qualification within the jurisdictional employment exchange and thereafter, he was appointed as Computer Operator to impart training to the students of the second respondent-School, vide proceedings of the first respondent, dated 06.02.2006 and he was given consolidated pay of Rs.3,500/- per month and subsequently, his pay was revised at Rs.6,000/- per month. It is the case of the

petitioner that, though he was employed on consolidated pay on meager salary, he worked as Full Time Staff in the said School, and got his posting as Clerk in the very same School and continued to work as such. The petitioner would submit that, while issuing Transfer Certificate in favour of a student, by name S.Venkatesan, instead of mentioning as '8<sup>th</sup> standard ' due to inadvertence, it was mentioned as '9<sup>th</sup> standard, and on coming to know of the said error, necessary corrections were made, but the first respondent, taking serious notice of the said inadvertent mistake, passed an order, dated 28.07.2014, terminating the petitioner from service. The petitioner submitted representation/review petition dated 12.08.2014, to the first respondent, praying for reviewing the order of termination passed by the second respondent and despite receipt and acknowledgment, so far no orders have been passed and hence, the petitioner has come forward with this Writ Petition.

3. Heard Mr.G.Sankaran, learned counsel for the petitioner, and Mr.V.Anandamoorthy, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in the representation or in the Writ Petition, permits the petitioner to submit one more representation to the first respondent, for reviewing/setting aside the order of termination passed by the second respondent, within a period of two weeks from the date of receipt of a copy of this order, and the first respondent, upon receipt of the same, is directed to consider the same on merits and in accordance with law and pass orders within a further period of six weeks thereafter, and communicate the decision taken, to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-  
Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

sd

To

1. The Director of Tribal Welfare  
Ezhilagam, Chennai -600 005.

2. The Headmaster,  
Ekalaiva Model Tribal Residential,  
Higher Secondary School,  
Vellimalai,  
Villupuram District.

+1cc to M/s.G.Sankaran,Advocate sr.11583

+1cc to Government Pleader sr.12164

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ala(co)  
ss(22/3/2017)



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