

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2017

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6312 of 2013

&

M.P.No.1 of 2013

R.RENUGADEVI

W/O.P.THIRUMOORTHY

NO.28/A2 KUMARAN GARDEN

OPP TO KONGU ARTS COLLEGE

KATHIRAMPATTI (POST)

ERODE DISTRICT 638 107

... PETITIONER

Vs

1.THE SECRETARY TO GOVERNMENT

OF TAMILNADU

EDUCATION DEPARTMENT

FORT ST.GEORGE CHENNAI 9

2.THE CHAIRMAN

TEACHERS RECRUITMENT BOARD

4TH FLOOR E.V.K.SAMPATH MAALIGAI

DPI COMPOUND COLLEGE ROAD

CHENNAI 6

3.THE DIRECTOR OF SCHOOL EDUCATION

DIRECTORATE OF SCHOOL EDUCATION

DPI COMPOUND COLLEGE ROAD CHENNAI 6

4.THE JOINT DIRECTOR OF SCHOOL

EDUCATION (PERSONNEL)

DIRECTORATE OF SCHOOL EDUCATION

DPI COMPOUND COLLEGE ROAD

CHENNAI 6

5.THE CHIEF EDUCATIONAL OFFICER

OLD RAILWAY STATION ROAD,

ERODE 638 002.

... Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to Na. Ka. No. 96600/C2/E1/12 dt. Nil.1.2013 on the file of the 4th respondent herein and quash the same consequently direct the respondents to appoint the petitioner as Graduate Assistant (Science).

For Petitioner : Mr.C.Munuswamy
For Respondents : Mrs.P.Rajalakshmi
Government Advocate

ORDER

Petitioner has come up with the present writ petition challenging the cancellation of her appointment order, who was appointed as B.T.Assistant (Science) in Government High School, Kadattati, Erode District.

2. According to the petitioner, she was selected and appointed as B.T.Assistant by the second respondent after conducting Eligibility Test and certificate verification as per the rules contemplated for the selection process. The petitioner also joined in the said service. After some time, the fourth respondent suddenly cancelled the appointment order of the petitioner, without giving an opportunity to her. Hence, the petitioner has challenged the same in this writ petition.

3. Mrs.P.Rajalakshmi, learned Government Advocate appearing for the respondents would submit that Government has issued G.O.Ms.No.72, Higher Education (K2) Department, dated 30.04.2013 wherein, it has been classified that B.Sc. Bio Chemistry is not equivalent to B.Sc Chemistry. In the light of the said order, the respondents have rightly cancelled the appointment of the petitioner, who was appointed as B.T.Assistant.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents.

5. The petitioner was provisionally selected and appointed by the Teacher Recruitment Board, namely, the second respondent herein for the post of B.T.Assistant. After verification of all the records and after the petitioner being joined as B.T.Assistant, in Government High School, Kadattati, Erode District, the fourth respondent had cancelled the appointment order vide its proceedings Na. Ka. No. 96600/C2/E1/12, dated 29.1.2013 stating that B.Sc. Bio Chemistry is not equivalent to B.Sc. Chemistry, on the basis of the communication received from the second respondent dated 04.12.2012. The said impugned order has been passed by the third respondent, without giving any opportunity to the petitioner. Therefore, the respondent violated the principles of natural justice, hence, the cancellation of appointment order issued against the petitioner is illegal and perverse.

6. In response to the submission made by the learned Government Advocate that the respondents have acted only as

per the G.O.Ms.72, Higher Education (K3) Department, dated 30.04.2013, it is pertinent to note that the petitioner had been selected and appointed to the said post by the fourth respondent on 10.12.2012. Therefore, it is clear that the petitioner had been appointed prior to the date of issuance of G.O.Ms.No.72, Higher Education (K3) Department, dated 30.04.2013, referred supra and the petitioner had been working in the said school. While so, the respondents by relying upon the subsequent Government Order cancelled the appointment of the petitioner, especially, without providing sufficient opportunity to the petitioner. The fourth respondent had passed the impugned order without adverting to the principles of natural justice. Hence, impugned order passed by the fourth respondent is liable to be quashed.

7. By considering the above facts, the impugned order is quashed. Accordingly, the writ petition is allowed. The third respondent is directed to issue appointment order to the petitioner as Graduate Assistant (Science) in the existing vacancy within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.THE SECRETARY TO GOVERNMENT
OF TAMILNADU
EDUCATION DEPARTMENT
FORT ST.GEORGE CHENNAI 9

2.THE CHAIRMAN
TEACHERS RECRUITMENT BOARD
4TH FLOOR E.V.K.SAMPATH MAALIGAI
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CHENNAI 6

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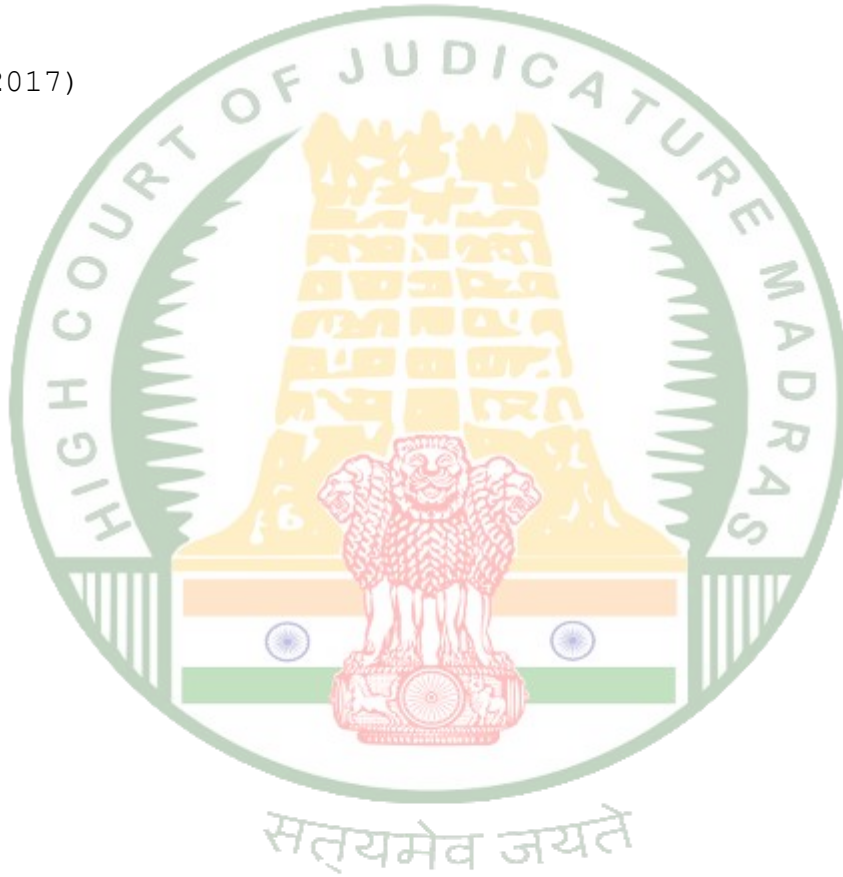
4.THE JOINT DIRECTOR OF SCHOOL
EDUCATION (PERSONNEL)
DIRECTORATE OF SCHOOL EDUCATION
DPI COMPOUND COLLEGE ROAD
CHENNAI 6

5.THE CHIEF EDUCATIONAL OFFICER
OLD RAILWAY STATION ROAD,
ERODE 638 002.

+1cc to Mr.C.Munusamy, Advocate, S.R.No.6208
+1cc to the Government Pleader, S.R.No.6922

W.P.No.6312 of 2013
&
M.P.No.1 of 2013

CP (CO)
CA(27/02/2017)



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