

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.35240 of 2003

and

W.P.M.P.No.42833 of 2003

N.Sarguna

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Tirunelveli.

2.The Additional Assistant Elementary Educational Officer,
Kadayam, Tirunelveli District.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order passed by the 1st respondent in his proceedings Na.Ka.No.2458/Aa3/95 dated 24.09.2003 and the consequential order passed by the 2nd respondent in his proceedings Na.Ka.No.1608/A2/99 dated 31.10.2003 and quash the same.

For Petitioner : M/s.V.Selvaraj

For Respondents : Mrs.M.E.Rani selvam
Additional Government Pleader

O R D E R

The writ petition has been filed by the petitioner seeking to issue a Writ of Certiorari to call for the records pertaining to the order passed by the 1st respondent in his proceedings Na.Ka.No.2458/Aa3/95 dated 24.09.2003 and the consequential order passed by the 2nd respondent in his proceedings Na.Ka.No.1608/A2/99 dated 31.10.2003 and quash the same.

2. I heard the submissions of M/s.V.Selvaraj learned counsel appearing for the petitioner and Mrs.M.E.Rani selvam, learned Additional Government Pleader appearing for the respondents.

3. The respondents alleged that the writ petitioner has produced a forged Teacher Training Certificate issued by Karnataka and the same was confirmed by the Joint Director of Education, Karnataka, by in his letter dated 20.12.1985.

4. Pursuant to the above letter received from the Joint Director of Educational Officer, Karnataka, the respondents by order dated 30.06.1992, directed from the removal of petitioner's service. Thereafter, the petitioner was removed from 30.06.1992. The present impugned order dated 24.09.2003 in Na.Ka.No.2458/Aa3/95 and another order in Na.Ka.No.1608/A2/89 dated 31.10.2003 has been passed by the Additional Elementary Education Officer, Karnataka by stating that the writ petitioner was removed from service, she has paid salary from the date of appointment from 01.08.1987 to 30.06.1992. The writ petitioner has received a sum of Rs.1,02,770/- as salary which has to be deposited in the Government Treasury and directed the petitioner to deposit the said amount within a period of seven days from the date of receipt of a copy of this order.

5. Challenging both the orders, the present writ petition has been filed on the ground that the present impugned order has been passed without giving opportunity to the petitioner by violating the principle of natural justice.

6. As per the impugned order dated 24.09.2003, it is made clear that there is no mention about the issuance of the notice calling explanation from the petitioner and conducting any enquiry before passing the present impugned order dated 24.09.2003. Therefore, this Court come to the conclusion that the respondents, without giving any opportunity, by violating the principle of natural justice, have passed the present impugned order. Therefore, both the impugned orders are hereby directed to set aside and the matter is remanded back to the authority concerned.

7. Accordingly, the writ petition is allowed by setting aside the impugned order and the matter is remanded back to the District Elementary Educational Officer, Tirunelveli, for fresh consideration. The respondents are directed to issue notice to the petitioner calling for her explanation and give personal opportunity and thereafter to pass appropriate orders within a period of three months.

8. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

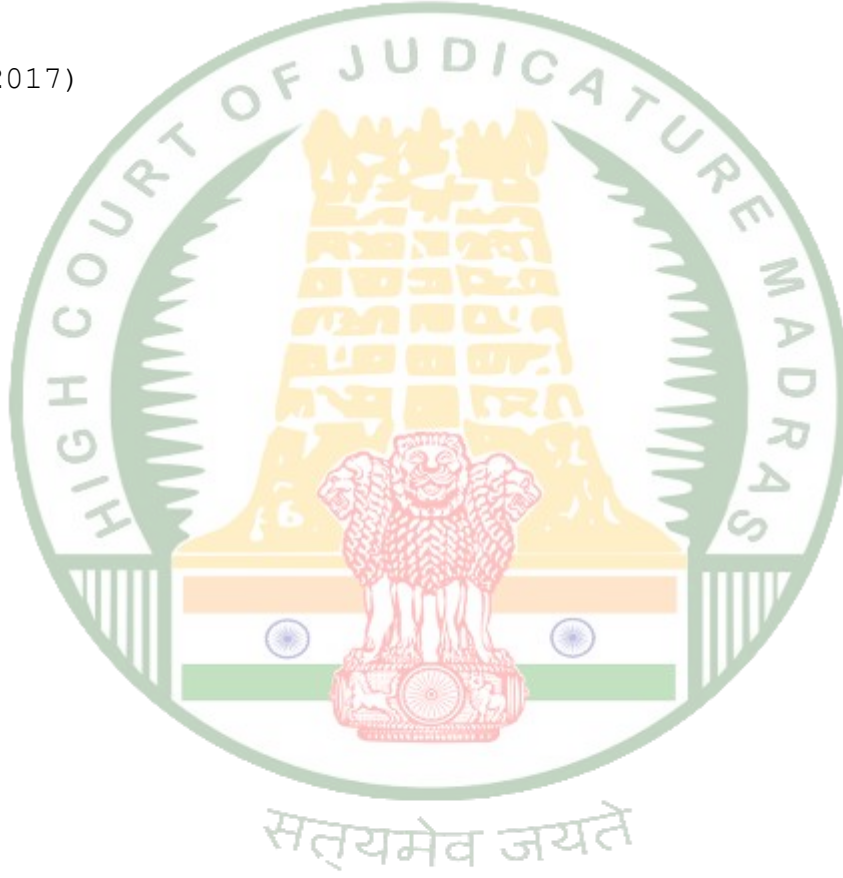
1.The District Elementary Educational Officer,
Tirunelveli.

2.The Additional Assistant Elemantary Educational Officer,
Kadayam, Tirunelveli District.

+1cc to the Government Pleader SR.No.50644

W.P.No.35240 of 2003

VD (CO)
GN(04/08/2017)



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