



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.03.2017
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No. 14151 of 2015

and

M.P (MD) No.1 of 2015

and

W.M.P (MD) No.2030 of 2016

M.Chithra

..Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The District Planning Officer,
Integrated Child Development Unit,
Theni District,
Theni.

3.The Planning Officer-Child Development
Uthampalayam Taluk,
Theni District.

..Respondents

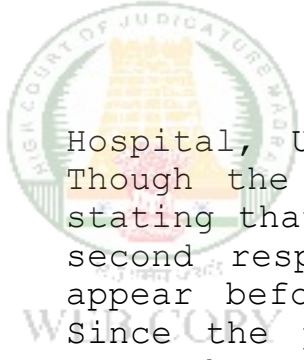
PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order bearing Se.Mu.Na.Ka.No.1475/A1/2014, dated 24.03.2015, passed by the 2nd respondent.

For Petitioner : Mr.P.Muthuvijayapandian
For Respondents : Mr.J. Gunaseelan Muthiah,
Government Advocate

O R D E R

The brief facts which are necessary for the disposal of this Writ Petition are as follows:

The petitioner was working as Anganvadi Assistant at Lakshminayakkan patty Village Unit-1, at Uthamapalayam Taluk under the third respondent herein. Earlier, she was appointed by the first respondent, as Anganvadi Assistant, on compassionate ground on the demise of her husband in Erwadi Fire Accident. As per the terms of the order of appointment, the petitioner produced the Age Certificate obtained from the District Government Hospital at Periyakulam. Entertaining a doubt as regards the genuineness of the Age Certificate produced by the petitioner, the second respondent asked the petitioner to appear before the Government



Hospital, Uthamapalayam for submitting herself to the Age Test. Though the said hospital issued a Certificate to the petitioner stating that her age is 37 years as on the date of appointment, the second respondent, however, once again asked the petitioner to appear before Rajaji Government Hospital, Madurai on 10.03.2015. Since the petitioner could not appear on that date, the second respondent passed the impugned order suspending the petitioner from work for her non-appearance before the Rajaji Government Hospital, Madurai on 10.03.2015. Challenging the said order the present writ petition has been filed.

2. The case of the petitioner is that on 10.03.2015, the petitioner due to her ill-health was not able to travel about 120 Kms. from her native place to Madurai and that therefore, on 19.04.2015, the petitioner went to the office of the second respondent and explained the circumstances due to which she was not able to appear before the Rajaji Government Hospital, Madurai on 10.03.2015. However, despite valid explanation was given, the second respondent has passed the impugned order suspending her from work.

3. This Court heard the submissions made on either side and perused the materials available on record.

4. Considering the facts narrated by the petitioner in the affidavit filed in support of this writ petition and the position that the petitioner, a poor widow should be given an opportunity to put forth her case, this Court is inclined to set aside the order passed by the second respondent, dated 24.03.2015.

5. In the result, this Writ Petition is allowed and consequently, the impugned order passed by the second respondent, dated 24.03.2015, is hereby set aside and the matter is remitted back to the second respondent. It is open to the second respondent to pass an order afresh after hearing the explanation of the petitioner for her non-appearance. To avoid any difficulty for the second respondent to consider the case of the petitioner, the petitioner is directed to submit a written representation within a period of two weeks from the date of receipt of this order. On receipt of the said representation, the second respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of such representation from the petitioner. It is made clear that this Court has not expressed any opinion on the merits of the case of the petitioner. Depending upon the outcome of the order that may be passed by the second respondent, services of the petitioner during the period in which she was under suspension will be dealt with/regularised. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)



To

1.The District Collector,
Theni District,
Theni.

2.The District Planning Officer,
Integrated Child Development Unit,
Theni District,
Theni.

3.The Planning Officer-Child Development
Uthampalayam Taluk,
Theni District.

+1 cc to M/R.P.MUTHUVIJAYA PANDIAN, Advocate, SR.NO:15043

+1 cc to M/S.SPECIAL GOVERNMENT PLEADER, SR.NO:14738

pm

SVA/PM/PN/22.03.2017/3P/6C

ORDER MADE IN
W.P. (MD) .No.14151 of 2015
14.03.2017