

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 29.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**W.P. (MD)No.1870 of 2011****and****M.P. (MD)No. 2 of 2011**

S.V.Sandhya

... Petitioner

Vs.

1. Director of Elementary Education,
College Road, Chennai-600 006.
2. The Chairman,
Teachers Recruitment Board,
College Road, Chennai-600 006.
3. District Employment Officer,
Nagercoil, Kanniyakumari District.
4. District Elementary Education Officer,
Thanjavur.
5. Commissioner of Employment and Training,
Guindy, Chennai-600 032.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the fourth respondent herein in his proceedings Na.Ka.No.4630/Aa1/2010 dated 10.02.2011 and quash the same consequently direct the respondents herein to confer all consequential service and monetary benefits to the petitioner.

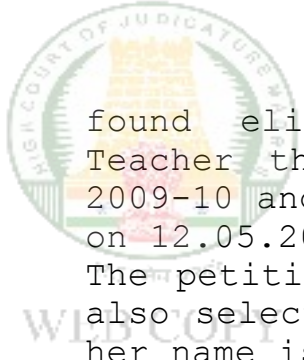
For Petitioner

: Mr.Veera Kathiravan
for Mr.G.Bala

For R1 to R5

: Mr.M.Murugan
Government Advocate**O R D E R**

The writ petition has been filed, challenging the impugned order, dated 10.02.2011, passed by the District Educational Officer, cancelling the appointment of the petitioner, who was



found eligible for appointment to the post of Graduate Assistant Teacher through employment registration seniority for the year 2009-10 and called the petitioner for verification of certificates on 12.05.2010 at SLB Government, Boys Higher Secondary, Nagarkoel. The petitioner's original certificates were verified and she was also selected by the Director of Elementary School Education, and her name is found Serial No.394 and she was issued an appointment order on 15.09.2010.

2. According to the petitioner, she joined duty under the fourth respondent, however on 10.02.2011 by impugned order, the petitioner's appointment was cancelled without any enquiry on the ground that her name was not sponsored by the employment exchange. It is the case of the petitioner, that the fourth respondent, has to prove the fact that the petitioner was not sponsored by employment exchange on the priority quota, before the respondents 1 and 2.

3. The learned senior counsel appearing for the writ petitioner submitted that the impugned order has been passed without any enquiry. In fact, she was sponsored by the employment exchange and the selection process was also properly done. She has registered her name in the employment and is sponsored by the employment exchange; the certificates verification was properly done and the certificate of dependency of Ex.Servicemen was also produced at the time of verification. There was no suppression of materials at any point of time. In fact, she was sponsored only dependent of Ex.Servicemen which is also found place in the selection list. Hence, the impugned order passed without any enquiry cannot be sustained.

4. According to the learned Government Advocate, the employment exchange has not sponsored the name of the petitioner on the priority basis. Therefore, the petitioner's appointment is not proper.

5. Perusal of the materials, would show that originally, Teacher Recruitment Board done the certificates verification and selection list also shows that the petitioner's name appeared in Serial No.394, wherein priority quota shown as special dependency of Ex.Servicemen. This fact clearly shows that provisional selection list was prepared after thorough verification of the certificates and only after verification, number was given. The selection list itself, the priority quota is mentioned as a dependent of Ex.Servicemen. Therefore, it cannot be said that the petitioner is not been sponsored on the priority basis.

6. Admittedly, the petitioner was given appointment on 15.09.2010 under the fourth respondent and she has joined duty on 15.09.2010. On 10.02.2011, the impugned order has passed without any enquiry whatsoever. The fourth respondent simply has cancelled the appointment of the petitioner without enquiry.



Further to arrive such conclusion, absolutely, there is no material. Such order, can not be passed without any proper enquiry. Admittedly, the writ petitioner was selected by the Teacher Recruitment Board after thorough verification of the record and on the priority basis, in the seniority list published by the Teacher Recruitment Board. Such being the position, the fourth respondent without making any enquiry cancelled the appointment, which is not in accordance with law. Hence, the fourth respondent is directed to regularise the service of the writ petitioner within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, the impugned order is quashed and this writ petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Director of Elementary Education,
College Road, Chennai-600 006.
2. The Chairman,
Teachers Recruitment Board,
College Road, Chennai-600 006.
3. The District Employment Officer,
Nagercoil, Kanniyakumari District.
4. The District Elementary Education Officer,
Thanjavur.
5. The Commissioner of Employment and Training,
Guindy, Chennai-600 032.

+1cc to M/S. VEERA ASSOCIATES, Advocate, SR.No.75236.

W.P. (MD) No.1870 of 2011
and

M.P. (MD) No. 2 of 2011
29.08.2017