

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.4148 of 2018 and
WMP No.5093 of 2018

G.Devi

... Petitioner

Versus

The District Project Officer,
Integrated Child Development Scheme,
Tiruvannamalai District,
Tiruvannamalai

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus to call for the records of the respondent in Na.Ka.No.1892/A1/2017 dated 13.02.2018 that was received by the petitioner on 20.02.2018 and quash the same as illegal, unlawful against the principles of natural justice besides ultra vires and consequently, direct the respondent to permit the petitioner to continue to work as Anganwadi Assistant and draw her salary.

For Petitioner : Mr.T.S.Rajamohan

For Respondent : Mr.R.Janaki, AGP

O R D E R

By consent of the parties, the writ petition is taken up for final disposal. सत्यमेव जयते

2. It appears that the grievance of the petitioner in this writ petition is that though she was regularly recruited as Anganwadi Assistant on 18.01.2018 and joined in the post, but soon after her joining, she was removed from service on the ground that a false information was given with regard to her husband's avocation and therefore, by citing the rules governing her appointment, her order of appointment dated 13.02.2018, was cancelled. Hence, the petitioner came forward with this present writ petition, challenging such order of removal dated 13.02.2018. According to the counsel for the petitioner, the same is illegal inasmuch as without any substance, cannot be sustained.

3. The learned Additional Government Pleader appearing for the State would submit that they may be allowed to file the counter affidavit for evidencing the aforesaid allegations but it being an admitted fact that no reasonable opportunity of hearing was given to the petitioner before her removal from service for suppressing an information/material disqualifying her to be appointed, this Court is of the view that impugned order cannot be sustained inasmuch as the same suffers from the vice of non observance of the principle of audi alteram partem, a salutary principle of natural justice.

4. Accordingly, the impugned order dated 20.02.2018 is set aside and the respondent is directed to reinstate the petitioner in service within one month from the date of receipt of a copy of this order. However, it is open to the respondent to proceed against the petitioner, if materials available on record on the allegations leveled against her, but adhering to the principle of natural justice i.e., the principle of Audi Alteram Partem. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The District Project Officer,
Integrated Child Development Scheme,
Tiruvannamalai District, सत्यमेव जयते
Tiruvannamalai.

+1cc to Mr.T.S.Rajamohan, Advocate Sr.48304

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srg 9/8/2018