

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5243 of 2018

Mrs.Amutha

W/o Sivanantham

.. Petitioner

-VS-

1. The District Collector
Tiruvannamalai District
Tiruvannamalai

2. The Planning Officer (ICDS)
Tiruvannamalai District
Tiruvannamalai

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relevant to the order passed by the first respondent in proceedings Ref.No.Se.Mu.Na.Ka.1892 A1/2017 dated 13.02.2018 and quash the same as illegal, improper against the natural justice and thereby permit the petitioner to join and continue his service in the first respondent.

For Petitioner :: Mr.B.Gopalakrishnan

For Respondents :: Mr.R.S.Selvam
Government Advocate

ORDER

This writ petition is directed against the impugned order dated 13.2.2018 passed by the first respondent removing the petitioner from the post of Anganwadi Worker immediately after she was appointed on 18.1.2018, citing a reason that the petitioner had concealed the employment of her husband in the Government department. However, the impugned order further says that the petitioner has been given 15 days time to give her objection to the District Collector, Tiruvannamalai, the first respondent herein. After giving the representation on 24.2.2018, the present writ petition has been filed on the ground that the impugned order of termination has been passed in violation of the principles of natural justice.

2. Learned counsel for the petitioner submitted that when the petitioner was appointed on 18.1.2018 as an Anganwadi worker, the petitioner disclosed all the facts including the employment of her husband in a government department. Therefore, it is not open to the first respondent to say that the petitioner had concealed her husband's employment in a government job. However, she has also given a detailed representation to the first respondent-District Collector on 24.2.2018. Therefore, a direction be issued to the District Collector, Tiruvannamalai to consider the pending representation dated 24.2.2018 on merits.

3. The learned Government Advocate for the respondents submitted that had the petitioner disclosed the truth in respect of the employment of her husband in a government department, she would not have been awarded with 15 marks. But, in the present case, the award of 15 marks clearly shows that the petitioner had concealed her husband's employment in a government department. Therefore, as per rules, when the petitioner had concealed her husband's employment in government department and wrongly got 15 marks, the impugned order has been passed. Hence, no interference is called for.

4. Be that as it may. When the petitioner was given 15 days time to give her objection to the District Collector, Tiruvannamalai, the first respondent herein, pursuant to the same, the petitioner has given her detailed representation on 24.2.2018 to the first respondent and the same has not been considered till date. Therefore, this Court hereby directs the first respondent to consider the case of the petitioner on merits and pass a speaking order in accordance with law within a period of three weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.6432 of 2018 is closed. No costs.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

ss
To

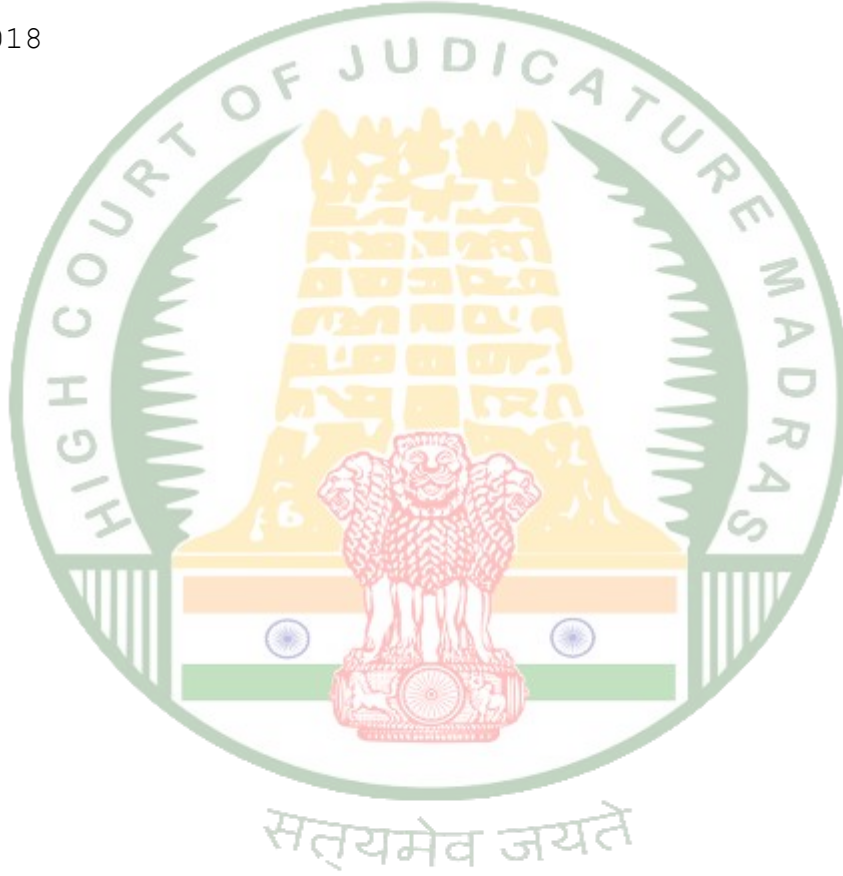
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Tiruvannamalai District
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2. The Planning Officer (ICDS)
Tiruvannamalai District
Tiruvannamalai

+1 cc to M/s.B.Gopalakrishnan Advocate sr 17967
+1 cc to Govt Pleader sr 18134

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