

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.11.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 3135 OF 2018

M.Madhubala

.. Petitioner

- Vs -

1. The District Collector
Dharmapuri District
Dharmapuri.
 2. The Commissioner
Pennagaram Panchayat Union
Pennagaram, Dharmapuri District.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the impugned order passed by the 1st respondent dated 5.2.2018 in Na.Ka. No.1521/2016/XI and quash the same, consequently direct the respondents to reinstate the petitioner as Noon Meal Organizer at Panchayat Union Elementary School, Sandanakodikal, Pennagaram Panchayat Union, Dharmapuri District will all service benefits.

For Petitioner : Mr. M.R.Jothimanian

For Respondents: Mr. A.N.Thambidurai, Spl. GP for R-1
M/s.V.Jayaprakash Narayanan for R-2

ORDER

This writ petition has been filed by the petitioner challenging the order of termination dated 5.2.18 passed by the 1st respondent.

2. The petitioner applied for the post of noon meal organiser in the Panchayat Union Elementary School, Sandanakodikal, Pennagaram Panchayat Union, Dharmapuri District along with all necessary documents. The said centre was allotted to BC category. The petitioner is residing in the same Revenue Village and was fully qualified for the post and belong to Backward Class (BC) community. Interview was conducted on

13.7.17 and appointment order was issued by the 1st respondent to the petitioner on 13.11.17. Joining report was submitted to the 2nd respondent on 16.11.17. Whiles, the 1st respondent passed the impugned proceedings dated 5.2.18 stating that the petitioner was terminated from service. The termination order has been passed without conducting any enquiry and without giving opportunity of hearing to the petitioner.

3. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the 1st respondent and Mr.Jayaprakash Narayanan, learned standing counsel takes notice for the 2nd respondent.

4. This Court perused the impugned order, which reads that the petitioner appeared before the Personal Assistant to the District Collector admitting that she produced bogus certificate substantiating her qualification. However, perusal of the scrutiny report reveals that the petitioner did not produce the 10th standard original certificate, which is found mentioned in column No.8 of the scrutiny report. In Column No.10 of the report, it is stated that SSLC original certificate is not produced. From the above facts it is evident that the impugned order has been passed without taking into consideration the scrutiny report. The charge that the petitioner produced bogus certificate falls to the ground on the basis of the materials noted above. Therefore, the observation that the petitioner appeared before the Personal Assistant to the District Collector and gave bogus certificate cannot be true.

5. In the circumstances, the impugned order passed by the 1st respondent is hereby set aside and the writ petition is allowed. The petitioner is directed to be reinstated in service within a period of two weeks from the date of receipt of a copy of this order. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

1. The District Collector
Dharmapuri District
Dharmapuri.

2. The Commissioner
Pennagaram Panchayat Union
Pennagaram, Dharmapuri District.

+1 cc to Mr.M.R.Jothimanian, Advocate Sr.No.81802

+1 cc to The Government Pleader, Sr.No.82636

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CSL/19.12.2018



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