

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3786 of 2018 and
WMP.Nos.4623 and 4624 of 2018

R.Bhuvaneswari

...Petitioner

Versus

1. The District Collector,
Coimbatore District,
Coimbatore-641 018.
2. The Commissioner,
Panchayat Union,
Annur, Coimbatore District.
- 3.The Special Officer/
Assistant Director of Rural Development
(Village Panchayat),
Coimbatore-641 018.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned orders passed by the 2nd respondent in Na.Ka.No.91/2017/A1 dated 25.7.2017 and quash the same and consequently, direct the respondents to restrain them from recruiting the candidates to the post of Office Assistant under the control of the 2nd respondent.

For Petitioner : Mr.P.Kalimuthu
For Respondents : Mr.V.Jayaprakash Narayanan,
1 and 3 Special Government Pleader
For 2nd respondent : Mrs.P.Rajalakshmi, AGP

W E B C O P Y
O R D E R

Challenging the order relieving the petitioner from the post of Office Assistant passed by the Commissioner of Panchayat Union, Annur, Coimbatore District, the 2nd respondent herein dated 25.7.2017, the present Writ Petition has been filed.

2. Learned Counsel for the petitioner assailing the impugned order submitted that the petitioner was appointed as Office Assistant as per the proceedings of the 2nd respondent in Na.Ka.No.505/2015/A1, dated 15.5.2015 in Annur Panchayat Union,

Coimbatore District. After two years of her service, she went on Medical Leave from 02.01.2017 to 15.2.2017 as she had ailment troubling her health condition. She was also called for explanation for the aforesaid leave. Subsequently, on the advise of the Medical Officer, she again went on Medical Leave from 16.02.2017 to 23.04.2017 for taking treatment. On completion of the medical leave by producing a Medical Fitness Certificate, the petitioner joined duty on 24.04.2017 and she was allowed to work as Office Assistant. But she was harassed and teased by the respondents for having went on medical leave with an ill intention to evade her from duty since she belongs to Scheduled Caste Community. In view of the same, she tendered resignation in her letter dated 23.5.2017 out of provocation and dejection. Subsequently, she was advised to withdraw the same and accordingly, she has withdrawn the resignation letter on 14.6.2017 which was handed over to the 2nd respondent. But without considering the same, the 3rd respondent, the Special Officer/Assistant Director of Rural Development (Village Panchayat), Coimbatore, passed a Resolution No.105 dated 6.6.2017 accepting her resignation and finally relieved her from service by the impugned Proceedings of the 2nd respondent in Na.Ka.No.91/2017/A1 dated 25.7.2017, which according to the learned Counsel for the petitioner wholly unsustainable and bad in law. Therefore, he sought for interference of this Court with the impugned order.

3. Heard Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents 1 and 3 and Mrs.P.Rajalakshmi, learned Additional Government Pleader appearing for the 2nd respondent.

4. First of all, it appears that the petitioner went on medical leave from 02.01.2017 to 15.02.2017. Again she continued her medical leave from 16.2.2017 to 23.4.2017. Thereafter, when she was called upon to submit her explanation as to why she went on repeated medical leave, it appears that the petitioner, on her own, submitted her resignation letter dated 23.5.2017 and the same was placed before the Committee and the Committee after considering her resignation letter and the frequent absence from duty, passed a Resolution No.105 dated 06.06.2017 accepting her resignation. Thereafter, she has been relieved from service w.e.f. 25.7.2017 as per the proceedings impugned in the Writ Petition. Therefore, when the petitioner on her own resigned and the same was also accepted by the Committee by passing a Resolution, the petitioner cannot challenge the impugned proceedings. Hence, finding no merit in the Writ Petition, this Court is not inclined to allow the Writ Petition.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore District,
Coimbatore-641 018.

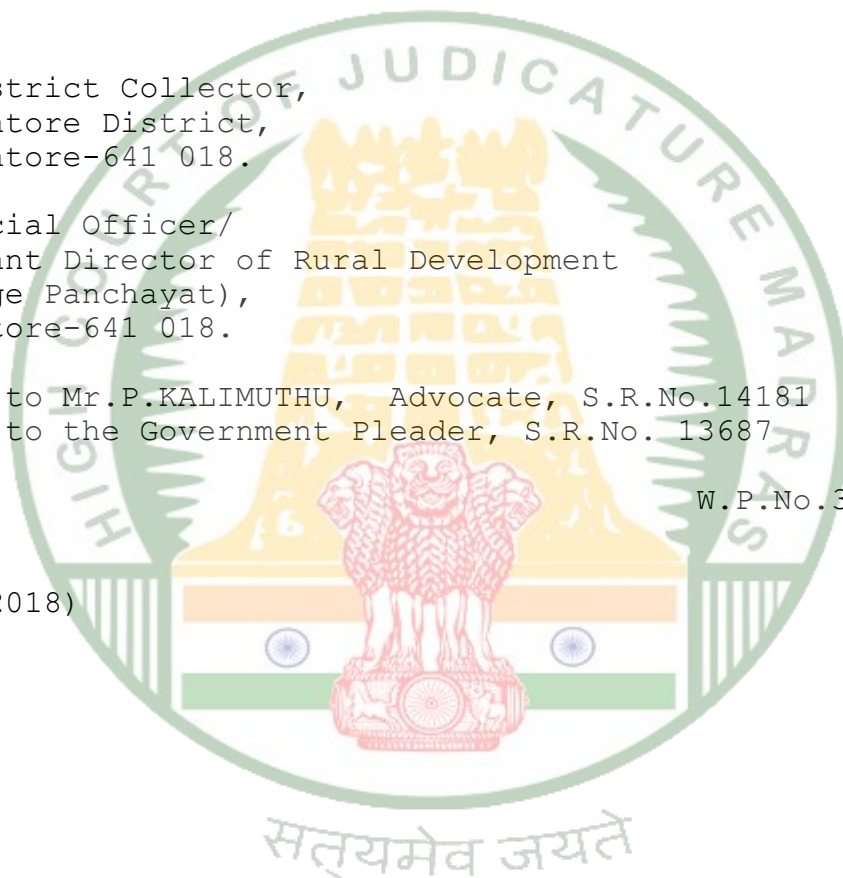
2. The Special Officer/
Assistant Director of Rural Development
(Village Panchayat),
Coimbatore-641 018.

+1cc to Mr.P.KALIMUTHU, Advocate, S.R.No.14181

+1cc to the Government Pleader, S.R.No. 13687

W.P.No.3786 of 2018

MP (CO)
TR(14/03/2018)



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