

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P. No.1844 of 2013

and

MP No.1 of 2013

M.H. Khader

... Petitioner

versus

1. The Teacher Recruitment Board,  
Rep. by its Chairman,  
4th Floor, E.V.K. Sampath Road,  
DPI Complex, College Road,  
Chennai - 600 006.
2. The Director of School Education,  
DPI Complex College Road,  
Chennai - 600 006.
3. The Joint Director of School Education (Higher Secondary),  
Office of Director of School Education,  
DPI Complex, College Road,  
Chennai - 600 006.

... Respondents

सत्यमेव जयते

Writ Petition filed under Article 226 of the Constitution of India to issue writ of Certiorarified Mandamus to call for the records relating to the proceedings issued by the 3rd respondent in Na. Ka. No.97659/W3/E2/2012, dated 31.12.2012 and quash the same and consequently direct the respondents to restore the order of appointment issued by the 3rd respondent in Na.Ka.No.097659/W3/E2/2012, dated 12.12.2012 and issue an order of allotment of school in favour of the petitioner within the time frame to be fixed by this Hon'ble Court with all consequential and attendant benefits including seniority based on selection and other benefits.

For Petitioner : Mr.G. Sankaran

For Respondents : Mr.V. Karthikeyan  
Government Advocate

O R D E R

The relief sought for in this writ petition is to call for the records in relation to the order impugned issued by the 3rd respondent in proceedings dated 31.12.2012 and quash the same and consequently to restore the order of appointment issued by the 3rd respondent in proceedings dated 12.12.2012.

2. The grievance of the writ petitioner is that he was successful in the process of selection and the 3rd respondent issued an order of appointment. However, the order of appointment issued in favour of the writ petitioner on 12.12.2012 was cancelled surprisingly on 31.12.2012. Thus, the petitioner is constrained to move the present writ petition, challenging the said order of cancellation of appointment.

3. The learned counsel appearing on behalf of the writ petitioner states that the impugned order of cancellation of appointment was issued without issuing any show cause notice and providing opportunity to the writ petitioner. Thus, the principles of natural justice has been violated and the case of the petitioner is to be re-considered.

4. This Court is of an opinion that undoubtedly certain developments took place in respect of the selection process. Even in such cases, the respondents are bound to issue a show cause notice to the affected persons and the cancellation of appointment can be done, only after providing an opportunity to the persons, who was otherwise issued with an order of appointment. In the present case on hand, an order of appointment was already issued in favour of the writ petitioner by the 3rd respondent on 12.12.2017. This being the factum, the order of cancellation cannot be issued without providing an opportunity to the writ petitioner.

5. Thus, the present writ petition is a fit case for remand. Accordingly, the first respondent is directed to issue a show cause notice to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order and on receipt of an explanation / objection from the writ petitioner, the merits and demerits shall be considered by the first respondent and an appropriate order shall be passed within a period of four weeks thereafter.

6. Accordingly, the writ petition stands disposed of. No costs, Consequently, connected miscellaneous petition is also closed.

Sd/-  
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

vsi2

To

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Office of Director of School Education,  
DPI Complex, College Road,  
Chennai - 600 006.

+lcc to Mr.G.Sankaran, Advocate SR.No.61560

W.P. No.1844 of 2013

GMV (24/09/2018)

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