



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.248 of 2018

and

W.M.P. (MD) .No.260 of 2018

K.S.Subha Karuthukhan

.. Petitioner

Vs.

1. The Executive Secretary of District Health Society/ Deputy Director of Health Services,
Ramanathapuram.
2. The Deputy Director of Health Services,
Paramakudi,
Ramanathapuram District.
3. The Block Medical Officer,
Government Upgraded Primary Health Centre,
Bogaloor,
Ramanathapuram District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.2383/A5/2017, dated 13.07.2017 consequently directing the second respondent. Quash the same as illegal and to allow the petitioner to join duty to the third respondent hospital.

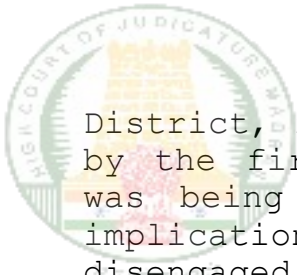
For petitioner : Mr. S.M.A.Jinnah
For respondents : Mrs. S.Srimathy
Special Government Pleader

O R D E R

Heard the learned counsel on either side.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as a Dental Assistant in the Government upgraded Primary Health Centre, Bagaloor, Ramanathapuram



District, for a period of one year by order dated 28.01.2013 issued by the first respondent. The petitioner's contractual engagement was being renewed from time to time. While so, following the implication of the petitioner in a criminal case, he has been disengaged by order dated 13.07.2017.

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4. The learned Counsel appearing for the petitioner contends that the implication of the writ petitioner in a criminal was on account of his matrimonial dispute, which has nothing to do with the discharge of his official duties. Secondly the impugned order which is on the face of it stigmatic was not preceded by any enquiry. Even a person, who is contractually engaged is entitled to certain rights. The petitioner could not have been summarily thrown out.

5. This Court finds force in the aforesaid submissions of the learned counsel for the petitioner. The impugned order on the face of it is in violation on the principles of natural justice. Therefore the impugned order stands quashed. The petitioner will be entitled to reinstated as a Dental Assistant forthwith.

6. This Writ petition stands allowed. No costs. Consequently, W.M.P. (MD). No. 260 of 2018 is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The Executive Secretary of District Health Society/ Deputy Director of Health Services, Ramanathapuram.
2. The Deputy Director of Health Services, Paramakudi, Ramanathapuram District.
3. The Block Medical Officer, Government Upgraded Primary Health Centre, Bogaloor, Ramanathapuram District.

+ 1 CC TO Mr.S.M.A.JINNAH, ADVOCATE IN SR No. 45886

KMI

TE/SKN-RSK/SAR-2 : 14/03/2018 : 2P/5C