



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.03.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.12598 of 2014
and
M.P.(MD).No. 2 of 2014 and 8489 of 2016

N.Paranthaman

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Secretariat, Chennai-600 009.

2.The Director,
Directorate of Collegiate Education, Chennai-600 006.

3.The Principal,
Government Arts College, Melur-625 106.
Madurai District.

... Respondents

Prayer in W.P.(MD).No.12598 of 2014: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order issued by the third respondent in his proceedings Na.Ka.No.25/C/2008, dated 25.07.2014 quash the same.

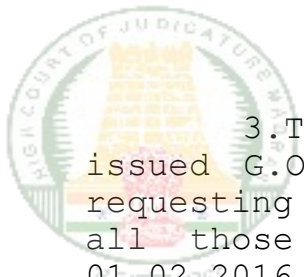
For Petitioner : Mr.K.P.S.Palanivel Rajan
For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

This matter is being posted on a mention made by the learned counsel for the petitioner. Due to inadvertence, it was wrongly typed that W.P.(MD).No.12598 of 2014 has been dismissed as withdrawn. Hence, the order is recalled and instead the following order is passed.

Heard the learned counsel on either side.

2.The petitioner's father was working as Watchman in Sree Meenakshi Government Arts College for Women, Madurai. He died while in service. The petitioner, therefore, gave an application for appointment on compassionate grounds in the year 1998. His application was favourably considered and ordered on 12.01.2008 and the petitioner was appointed as Typist by the Principal, Government Arts College, Melur, pursuant to the proceedings of the competent Authority and the petitioner joined service on 18.01.2008.



3.The Government took a policy decision on 02.03.2016 and issued G.O.(MS).No.80, Labour and Employment (Q1) Department for requesting the appointing authorities to regularize the service of all those who were appointed on compassionate grounds up to 01.02.2016. The petitioner is squarely covered by the aforesaid G.O.(MS).No.80, Labour and Employment (Q1) Department, dated 02.03.2016. In the meanwhile, the petitioner was terminated from service on the ground that he did not possess the requisite qualification for the post of Typist for appointment on compassionate grounds. While it is factually true, it is not in dispute that on the date when he was given appointment i.e., is on 12.01.2008 he had acquired the qualification. Since on the date of granting of appointment, the petitioner possessed the requisite qualification, the order impugned in the Writ Petition is liable to be quashed.

5.The petitioner's further grievance is that the persons who were appointed later in point of time, have been promoted. It is needless to say that the petitioner also will have to be necessarily placed either on par or immediately above such promoted candidates. In this view of the matter, the order impugned in the Writ Petition stands quashed.

6.The Writ Petition stands allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Department of Higher Education,
State of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Director,
Directorate of Collegiate Education, Chennai-600 006.

3.The Principal,
Government Arts College, Melur,
Madurai District.

+1cc to M/S.K.P.S.Palanivel Rajan, Advocate SR.No. 52821

W.P. (MD) .No.12598 of 2014
05.03.2018

tsg

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JM/SV MMS/SAR 4/11.05.2018/2P/5C