



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2018

CORAM:

WEB COPY

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P. (MD) No.195 of 2015
and
W.M.P (MD) No. 1 of 2015

Muthupandi ... Petitioner

vs.

1. The General Manager
Canara Bank, Circle Office
Madurai

2. The Manager
Canara Bank
Kodankulam Branch
Thoothukudi District

... Respondents

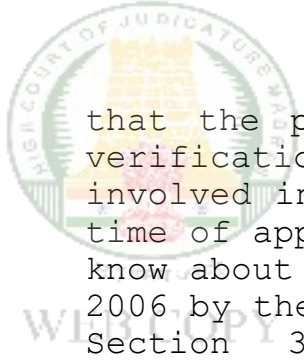
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent in M.D.U.C HRM 3984 E9 2014 dated 28.07.2014 and quash the same and further direct the second respondent to reinstate the petitioner in service with all back wages.

For Petitioner : No appearance
For Respondents : Mr.M.Muthukumaran

ORDER

The Writ petitioner herein was appointed as a part time employee in the Canara Bank, Kudankulam Branch, Thoothukudi on 22.08.2014. He was terminated on 28.07.2014 since his adverse character was brought to the notice of the respondent. The impugned order reveals that his appointment was subject to satisfactory discharge of his duty and subject to verification and character and antecedents from the police authority. Thereafter the respondents have come to know that the petitioner herein is found to be guilty for offences under Sections 379 of IPC in the case registered by the Thoothukudi Police in Crime No.189 of 2005 which has been taken cognizance by the learned Judicial Magistrate, Valliyoor in C.C.No.189 of 2005.

2. The contention of the learned counsel for the petitioner is that before passing the termination order no opportunity was given to him. However in the counter affidavit the respondent have stated



that the petitioner was appointed as Probationer subject to the verification of antecedents. Before declaring probation, he was found involved in criminal case and the same had been suppressed at the time of appointment. On police verification the management came to know about the conviction of the petitioner herein in C.C.No.126 of 2006 by the learned Judicial Magistrate, Valliyoor for offence under Section 379 of IPC and on an appeal preferred by the petitioner herein he was released on admonition under Probation of Offenders Act.

3. From the affidavit and counter affidavit, it is very clear that the petitioner was only Probationer and before declaring Probation his adverse character had been came to knowledge of the respondent herein. Hence he has been terminated. The Writ Petitioner cannot claim any right of hearing for appointment since he has obtained appointment by suppression of fact and termination of simpliciter for suppression of fact.

4. Hence the Writ Petition is dismissed. However, there shall be no order as to cost. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-III)

+1cc to M/S D.Sadia Raja, Advocate in SR.No.96419
+1cc to Mr.M.Muthukumaran Advocate in SR.No.96916

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