



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD).Nos.16673 to 16675 of 2016 & 16147 of 2016
and

W.M.P. (MD).Nos.17023 to 17025 of 2016, 12124 to 12130 of 2016, 11813
& 11814 of 2016 and 105 of 2017

P.Manoharan ...Petitioner in W.P.(MD).No.16673 of 2016
T.Shanthakumari ...Petitioner in W.P.(MD).No.16674 of 2016
S.Ammavasi ...Petitioner in W.P.(MD).No.16675 of 2016
A.Saratha ...Petitioner in W.P.(MD).No.16147 of 2016
Vs.

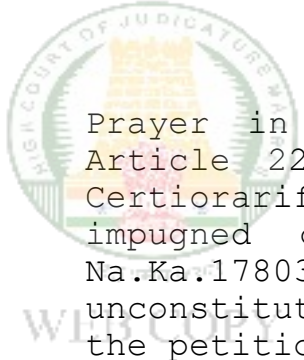
1.The Commissioner,
Backward Classes Welfare Department,
Ezhilagam, Chepauk, Chennai-5.

2.The District Collector,
Dindigul District, Dindigul.

3.The District Backward Classes and Minorities
Welfare Officer,
District Backward Classes and Minorities Welfare Office,
Dindigul District, Dindigul. ... Respondents in all Writ
Petitions

Prayer in W.P.(MD).No.16673 of 2016: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent dated 06.05.2016 in Na.Ka.17803/2015/I 2 and quash the same as illegal and unconstitutional and consequently direct the respondents to retain the petitioner in the post of tutor cum warden in Dindigul District.

Prayer in W.P.(MD).No.16674 of 2016:: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent dated 06.05.2016 in Na.Ka.17803/2015/I 2 and quash the same as illegal and unconstitutional and consequently direct the respondents to retain the petitioner in the post of tutor cum matron in Dindigul District.



Prayer in W.P.(MD).No.16675 of 2016: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent dated 06.05.2016 in Na.Ka.17803/2015/I 2 and quash the same as illegal and unconstitutional and consequently direct the respondents to retain the petitioner in the post of tutor cum warden in Dindigul District.

Prayer in W.P.(MD).No.16147 of 2016:: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent dated 06.05.2016 in Na.Ka.17803/2015/I 2 and quash the same as illegal and unconstitutional and consequently direct the respondents to retain the petitioner in the post of tutor cum matron in Dindigul District.
In all Writ Petitions

For Petitioners : Mr.S.Sukumar
For Respondents : Mrs.S.Srimathi
Special Government Pleader

ORDER

Heard the learned counsel on either side.

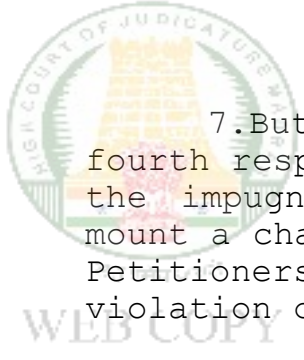
2.By consent of both parties, the main Writ Petitions themselves are taken up for final disposal.

3.The petitioners in all these Writ Petitions were promoted as Tutors cum Matrons and Tutors cum Wardens respectively. By the orders impugned in these Writ Petitions they were reverted to the post of Cook. Such orders of reversion were passed without notice to the petitioners.

4.It is seen that this Court granted interim order as early as on 29.08.2016. But till date, it appears that the said interim order has not been complied with.

5.The learned counsel appearing for the petitioners submits that he has filed contempt proceedings. It is made clear that as a direct consequences of quashing of the orders impugned in the writ petitions, the petitioners will have to be posted as Tutors cum Matrons/Tutors cum Wardens. The contempt Petitions will be taken up for disposal after ten days. If it is seen that the orders of this Court have not been complied with, serious view will be taken.

6.The learned Special Government Pleader appearing for the respondents would submit that the order passed by the fourth respondent was only consequential in nature. Therefore, she would contend that in the absence of challenge to the main proceedings, the present writ petitions are not maintainable. There is considerable force in the said submission.



7. But, this Court is of the view that it is the duty of the fourth respondent to serve a copy of the main proceedings along with the impugned orders which would have enabled the petitioners to mount a challenge. For the fault of the fourth respondent, the Writ Petitioners cannot be blamed. But, in any event, there was a gross violation of the principles of natural justice.

8. Therefore, on the ground of violation of the principles of natural justice, the orders impugned in these Writ Petitions are liable to be quashed. They are accordingly quashed. However liberty is given to the third respondent to take action afresh in accordance with law after giving due notice to the petitioners herein.

9. With these observations and directions, the Writ Petitions are allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner,
Backward Classes Welfare Department,
Ezhilagam, Chepauk, Chennai-5.
2. The District Collector,
Dindigul District, Dindigul.
3. The District Backward Classes and Minorities
Welfare Officer,
District Backward Classes and Minorities Welfare Office,
Dindigul District, Dindigul.

+4ccs to Mr. S. SUKUMAR, Advocate, SR.53151
+1cc to M/S. Special Government Pleader, SR.53834

W.P. (MD). Nos. 16673 to 16675 of 2016 & 16147 of 2016
06.03.2018

TSG

KK/SKN RSK/SAR 4/09.03.2018/ 3P- 9C/