

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

WP. Nos.6370 to 6373 of 2017

and

WMP. Nos.6875 ot 6878 of 2017

Mr.G.Kesavan

Mr.Hadhir Ahamed

Mrs.Selvi

Mrs.Janaki

...Petitioner in WP. No.6370 of 2017

...Petitioner in WP. No.6371 of 2017

...Petitioner in WP. No.6372 of 2017

...Petitioner in WP. No.6373 of 2017

Vs

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Revenue Divisional Officer,
Thiruvannamalai Revenue Division,
Thiruvannamalai.

3.The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

... Respondents in all Wps

4.S.Kalaivani

...Respondent in
WP. Nos.6370,6373 of 2017

(R4 impleaded vide Court order
dated 24/10/2018 made in WMP No.24740/17
in W.P.No.6370/17 on the file of this Court)

(R4 impleaded vide Court order
dated 24/10/2018 made in WMP No.24741/17
in W.P.No.6370/17 on the file of this Court)

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ or order of direction or any other Writ in the nature Writ of Certiorarified Mandamus calling for the records of the proceedings of the 2nd respondent made in Proc. Lr.No.A3/15334/2012 dated 18.02.2017 and the order of the 3rd respondent made in Proc. No.A3/15334/2012 dated 04.03.2017 and quash the same consequently direct the

respondents to reinstate the petitioner with all the attendant service benefits.

For Petitioners: Mr.S.Thirumavalavan in all WPs

For Respondents: Mr.Akhil Akbar Ali

Government Advocate for R1 to R3

No appearance for R4

C O M M O N O R D E R

These Writ Petitioners seek a quash of the proceedings of the Revenue Divisional Officer, arrayed as 2nd respondent, dated 18.02.2017 and the proceedings of the Tahsildar, arrayed as 3rd Respondent, dated 04.03.2017.

2. The petitioners had registered their names in the District Employment Exchange, Thiruvannamalai to avail of job opportunities. A notification was issued by R3 on 03.11.2016 calling for applications from qualified candidates for filling up the post of Village Administrative Officer in respect of four villages viz., Pudupalayam, Kannakurukkai, Thokkavadi and Manmalai of Chengam Taluk. A list of qualified aspirants from the District Employment Exchange was also called for.

3. The names of the petitioners were sponsored by the District Employment Exchange and forwarded to the office of the Tahsildar. The petitioners have received call letters on 19.11.2016 and appeared for the interview conducted on 30.11.2016. Various original certificates were called for, that were produced by the petitioners on 30.11.2016. The petitioners were all successful and were appointed to the post of Village Assistant under the BCM category.

4. Appointment orders dated 30.01.2017 were issued by the 3rd respondent and petitioners were posted as Village Assistants in Pudupalayam, Kannakurukkai, Thokkavadi and Manmalai of Chengam Taluk. The petitioners have also received salary after joining in the post of Village Assistant on 30.01.2017 for the months of January and February in their respective bank accounts.

5. While this is so, the third respondent, out of the blue, issued relieving order on 04.03.2017, which was not preceded by any show cause notice calling upon the petitioners to appear and

show cause why they should not be relieved from the post to which they had been appointed. The petitioners thereafter approached the authorities under the Right to Information Act and obtained a copy of the proceedings dated 18.02.2017, which is the cancellation of appointment orders. Thus, the present Writ petitions challenging the arbitrary action of the 2nd respondent cancelling the appointment that had been validly made by the 3rd respondent/Tahsildar.

6. A counter has been filed by the 2nd respondent wherein he states that the appointments made were wholly contrary to procedure. My attention is drawn to paragraph No.5 wherein, the Revenue Divisional Officer/R2 states that while scrutinising the proposals submitted by the Tahsildar, it came to his knowledge that the instructions and guidelines issued by the District Collector, Thiruvannamalai have not been followed in awarding marks to the aspirants. It is also alleged that the interview itself had not been conducted by the Tahsildar, Chengam, but only by his subordinates. It is for the aforesaid reasons that the interviews dated 30.11.2016 stood cancelled vide proceedings dated 18.12.2017.

7. Admittedly, there has been a gross violation of principles of natural justice. Seeing as the petitioners are not put to notice prior to the reversal of their appointments, I am of the view that this vitiates the impugned order in full. Accordingly, in the light of the admitted position that no opportunity has been given to the petitioners to show cause as to why their appointments should not be revoked, the impugned orders fail and are set aside.

8. These Writ Petitions are allowed. Connected Miscellaneous petitions are closed. No costs.

सत्यमेव जयते

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkp

To

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

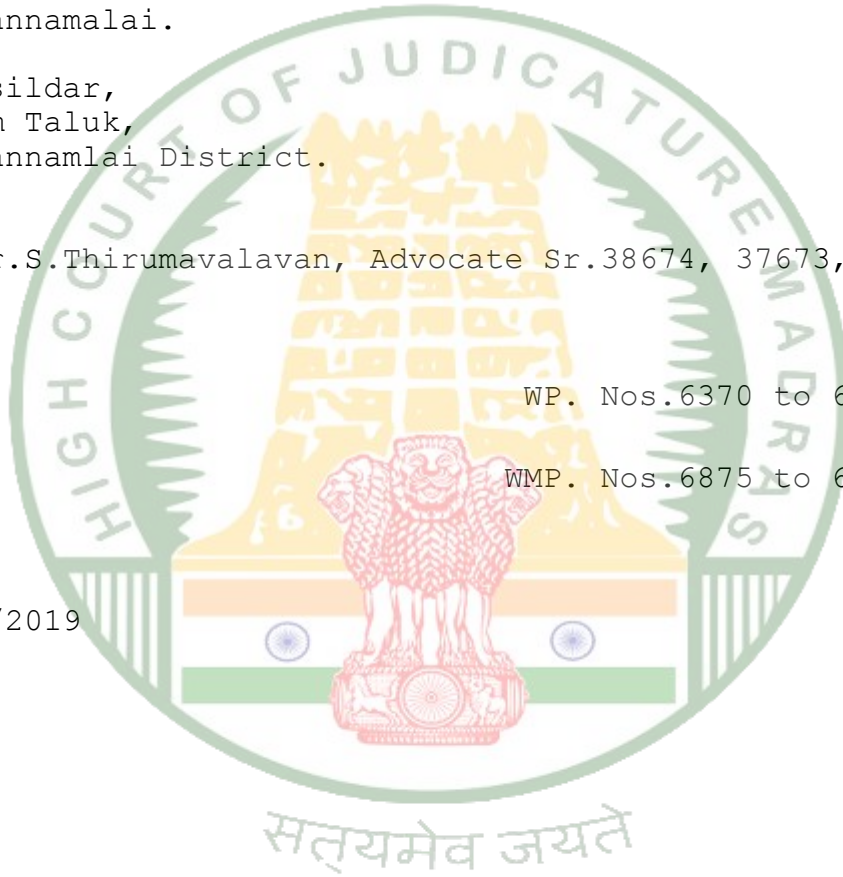
2.The Revenue Divisional Officer,
Thiruvannamalai Revenue Division,
Thiruvannamalai.

3.The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

+4cc to Mr.S.Thirumavalavan, Advocate Sr.38674, 37673, 38672,
38671

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srg 11/06/2019



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