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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE Mr. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 4879 of 2016

and

W.M.P. (MD) Nos. 5284 of 2016 and

17131 of 2017, 4371 and 6222 of 2016

K. Chitra

... Petitioner

Vs.

1. The District Collector,
Trichy.

2. The Personal Assistant to Collector (NMP),
Trichy District.

3. The Block Development Officer,
Marungapuri Panchayat Union,
Trichy District.

... Respondents

Prayer: The Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari and Mandamus, calling for the records pertaining to the order passed by the first respondent in his proceedings R.C.No.6/231/15 dated 24.02.2016 and quash the same and confer all the consequential benefits.

For Petitioner : Mr. V. Paneer Selvam

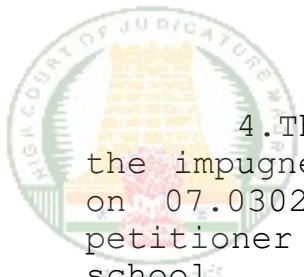
For Respondents : Mr. Aayiram K. Selvakumar, AGP for R1 & R2
Mr. R. Anandharaj for R3
Mr. R. Aravindan for impleading petitioner

ORDER

By consent of parties, this Writ petition was taken up for final disposal.

2. This Writ petition has been filed to quash the order passed by the first respondent vide proceedings in R.C.No.6/231/15 dated 24.02.2016 and to confer all the consequential benefits.

3. According to the learned counsel appearing for the petitioner, the impugned order dated 24.02.2016 passed by the first respondent is *per se* illegal and without following the procedure as contemplated under the provisions of the Act. He also submitted that the first respondent has appointed the petitioner as Noon Meal Organizer in the Panchayat Union School, T. Goundanpatti vide order dated 19.02.2016 and subsequently, by an order dated 24.02.2016 the same order was cancelled. Challenging the same, the petitioner is before this Court with the aforesaid relief.



4.The learned counsel for the petitioner also submitted that the impugned order dated 24.02.2016 was received by the petitioner on 07.03.2016. Pursuant to the interim order 10.03.2016, the petitioner is still working as Noon Meal Organizer in the said school.

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5.The third respondent has filed vacate stay petition, wherein it has been stated that as the petitioner did not possess preferential certificate and also the said post of Noon Meal Organiser is reserved for backward class roster having preferential qualification, the petitioner was erroneously appointed and therefore, the same was cancelled by the impugned order. According to the third respondent, the impugned order is perfectly in law.

6.Heard the learned counsel for the petitioner, Mr.Aayeram K.Selvakumar, learned Additional Government Pleader appearing for the second respondent and Mr.R.Anandharaj, learned counsel appearing for the third respondent.

7.On perusal of the counter affidavit filed by the third respondent as well as the impugned order, no where it is stated that an opportunity of hearing has been given to the petitioner while passing the impugned order. Further, the third respondent after processing the application of the petitioner, has issued appointment order and accordingly, the petitioner also joined in duty. However, without affording an opportunity of hearing to the petitioner, suddenly the impugned order is passed, stating that the petitioner is not having requisite qualification. Therefore, prima facie case is made out as the impugned order is passed violating the principles of natural justice. On that short ground, the impugned order is liable to be quashed.

8.Accordingly, the impugned order dated 24.02.2016 is hereby quashed. However, this will not stand in the way of the respondent concerned to issue notice to the petitioner and pass orders afresh after providing an opportunity of hearing to the petitioner. Such exercise shall be done by the respondent concerned within a period of 4 months from the date of receipt of a copy of this order.

9.With the above observations, this Writ petition is allowed. No costs. Consequently, connected W.M.Ps.are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Collector,
Trichy.

2.The Personal Assistant to Collector (NMP),
Trichy District.

3.The Block Development Officer,
Marungapuri Panchayat Union,
Trichy District.

+1 CC to Mr.K.ARAVINDAN, Advocate (SR-71081[F] dated 25/06/2019)

+1 CC to Mr.V.PANNEER SELVAM, Advocate (SR-70832[F] dated
24/06/2019)

+1 CC to SPL GP (SR-70938[F] dated 24/06/2019)

W.P. (MD) No.4879 of 2016
21.06.2019

NBJ

MK (04.07.2019) 3P 7C