

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 17253 of 2007
(O.A.No.1931 of 2003)

R.Poovathai

... Petitioner

Versus

1. The Collector,
(Rural Development)
(Noon -Meal Division)
Villupuram District.

2. The Commissioner
Thirukoviloor Panchayat Union,
Villupuram District.

... Respondents

PRAYER: Originally this petition has been filed as Original Application No.1931 of 2003 before the TamilNadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.17253 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent dated 04.05.2003 made in Na.Ka.PE4/6848/2001 and quash the same and consequently direct the respondent to reinstate the Applicant as Noon meal organiser under the second respondent herein and also direct the respondents to pay the subsistence allowance from 18.03.2002 and permit him continue in service without any break thereof.

For Petitioner : No appearance

For Respondents : Mr.K.Magesh
Special Government Pleader

O R D E R

The case of the petitioner is that the petitioner was working as Noon Meal Organizer under the second respondent in the year 1993. While he was in service, a charge memo was issued alleging that the petitioner had altered his date of

birth in the educational qualification certificate. Thereafter, the first respondent passed a suspension order dated 18.03.2002 made in Na.Ka.No.A5/3277/01 against the petitioner and subsequently passed an order of dismissal from service vide in Na.Ka.PE4/6848/2001 dated 4.05.2003. Challenging the said order, the petitioner filed Original Application before the TamilNadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.17253 of 2007.

2. When the matter was taken up for hearing, there was no representation for the petitioner despite opportunity given.

3.The learned Special Government Pleader would submit that petitioner was working as a Noon Meal Organizer. In order to get appointment, he altered the date of birth in the educational qualification certificate. Thereafter a suspension order issued by the first respondent dated 18.03.2002 in Na.Ka.No.A5/3277/01. After conducting the enquiry, a order of dismissal was passed by the first respondent in Na.Ka.PE4/6848/2001 dated 4.05.2003. Hence, he prays for dismissal of the Writ Petition.

4.Though the main contention of the petitioner is that no opportunity was given to the petitioner to defend his case, it is seen that the allegation against the petitioner is that he altered the date of birth in order to get Government job. Unless altered the age, he could not get the job. The enquiry clearly reveals that the petitioner only altered the date of birth in order to get Government job.

5. Considering the facts and circumstances of the case and perusal of records, it shows that the petitioner was issued with a charge memo alleging that he altered the date of birth in order to get Government job. Therefore, considering the nature of allegation and charge levelled against the petitioner, this Court does not find any merit in the Writ Petition and the Writ Petition is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No Costs.

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Sd/-

Assistant Registrar

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Sub Assistant Registrar

mpa

To

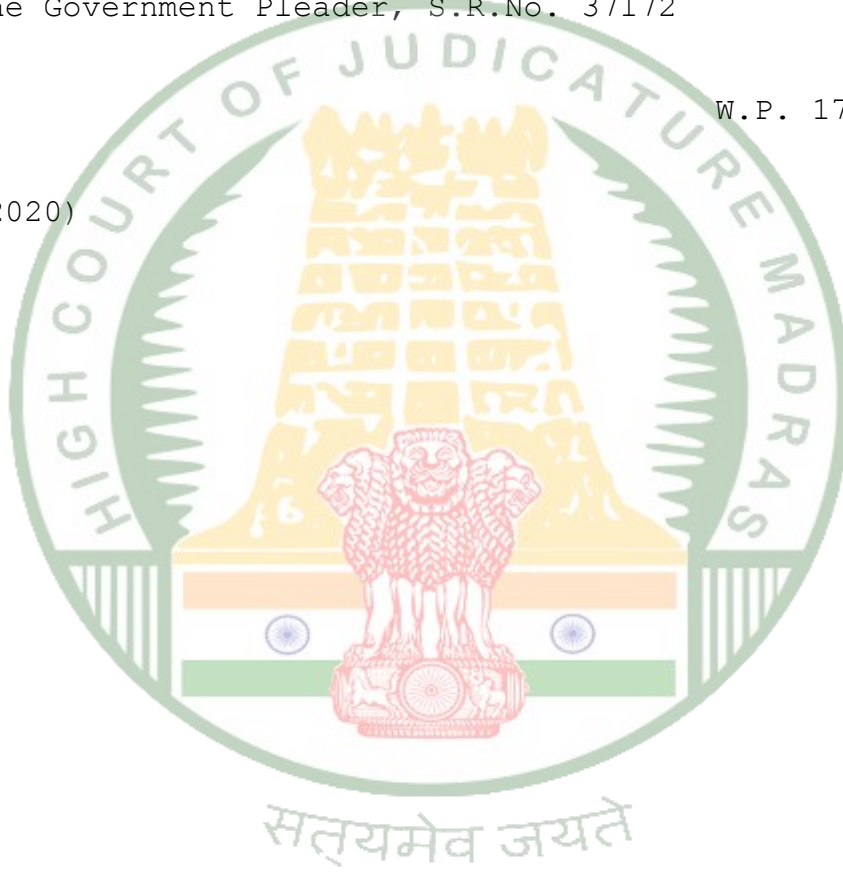
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+1cc to Mr.K.Magesh, Advocate, S.R.No. 37218

+1cc to the Government Pleader, S.R.No. 37172

W.P. 17253 of 2007

PVS (CO)
GN(10/12/2020)



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