



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.37981 of 2016 and
W.M.P.No.32571 of 2016

C.Muniraj

...Petitioner

Vs.

1. The Director,
Animal Husbandry Department,
D.M.S.Building, Teynampet,
Chennai 600 006.
2. The Regional Joint Director,
Animal Husbandry Department,
Krishnagiri, Krishnagiri District.

...Respondents

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction, in the nature of writ to call for the records on the file of the 2nd respondent pertaining to the order issued in Se.Na.Ka.No.295/A/2015 dated 14.10.2016 and quash the same and direct the respondents to reinstate the petitioner forthwith with all monetary benefits.

For Petitioner : Mr.R.Bharath Kumar
For Respondents: Mr.J.Ramesh (Addl. Gov. Pleader)
for R1 and R2

O R D E R

Challenging the order passed by the 2nd respondent in Se.Na.Ka.No.295/A/2015 dated 14.10.2016, this writ petition has been filed by the petitioner.

2. The petitioner was temporarily appointed as Night Watchman on compassionate ground by the 2nd respondent vide their proceedings dated 25.12.2012. Subsequently, the 2nd respondent issued an order in Se.Na.Ka.No.295/A/2015 dated 14.10.2016 and removed the petitioner from service on the ground that the School record Sheet issued by the Panchayat Union



Public School with regard to the completion of III standard by the petitioner is not genuine.

3. According to the petitioner, his nick name was C.Rajappa and actual name is C.Muniraj as published in the Government Gazette and at the time of admission, his grandmother gave his nick name to the school authorities as C.Rajappa. His further contention is that at the request made by his parents, his name was corrected as C. Rajappa @ C.Muniraj by the School Headmaster and hence, there was no false information given by the petitioner, however, the 2nd respondent passed an erroneous order dismissing the petitioner from service and the same is liable to be quashed.

4. The learned counsel appearing for the writ petitioner contended that the School Record Sheet produced by the writ petitioner is genuine and that the 2nd respondent has not given any opportunity of hearing to the writ petitioner with regard to the genuineness of the certificate and also not served the copies of the papers put forth by them before the school authorities. According to him, the order passed by the 2nd respondent dismissing the petitioner from service is against the principles of natural justice and arbitrary and therefore, he prays to quash the impugned order.

5. The learned Additional Gov. Pleader submitted that the petitioner was temporarily appointed ad Night Watchman on 25.12.2016 and to verify the genuineness of the certificates produced by him at the time of appointment, they obtained a report from the Additional Assistant Elementary Education Officer, Hosur dated 27.05.2016 stating that the original education certificates submitted by the petitioner are not genuine. He further submitted that the impugned order passed by the 2nd respondent is not arbitrary and it is legally valid and hence the same is does not warrant any interference by this court.

6. It appears that the 2nd respondent had obtained a report from the Additional Elementary Educational Officer, Hosur and based on that report, removed the petitioner from service. Admittedly, the petitioner was not provided any papers, put forth before the school authorities by the 2nd respondent and was not given any opportunity to prove his case, before dismissing him from service .

7. The learned counsel appearing for the writ petitioner relied upon a decision rendered by this court in W.P.No.10632 of 2016 (M.Dhanasekar Vs. The district Forest Officer, Thiruvannamalai North Division, Polur, Thiruvannamalai District) dated 03.11.2016, wherein, this court after relying



upon the judgements of the Supreme Court reported in 2000 (3) SCC 239 (V.P.Ahuja Vs. State of Punjab) and 2010(8) SCC 220 (Union of India Vs. Mahaveer C.Singhvi) had held that, as per the decisions rendered by the Supreme Court in the above judgments, a dismissal order, even in respect of temporary employee, cannot be passed arbitrarily without giving an opportunity of hearing or without complying with the principles of natural justice and in the instant case, no opportunity of hearing was given to the petitioner before passing the impugned order and hence the impugned order is liable to be quashed.

8. In the case on hand, the petitioner was temporarily appointed as night watchman on compassionate ground, however, he was removed from service without following the principles of natural justice. In the light of the above decisions cited supra, this court has no hesitation to quash the impugned proceedings and hence pass the following order.

i) The order passed by the 2nd respondent in Se.Na.Ka.No.295/ A/ 2015 dated 14.10.2016 is quashed.

ii) The 2nd respondent is directed to give an opportunity to the writ petitioner by issuing notice and conduct enquiry and thereafter pass an order on merits within a period of 12 weeks from the date of receipt of a copy of this order.

iii) It is needless to say that the petitioner has to submit the relevant documents to the authority to prove that the School Record Sheet produced by him is genuine.

iv) The learned Addl.Gov.Pleader is directed to serve the copy of the report given by the District Educational Officer, Krishnagiri to the respondents.

9. With the above observations, this writ petition is allowed. No costs. Consequently, connected writ miscellaneous petition is closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

1. The Director,
Animal Husbandry Department,
D.M.S.Building, Teynampet,
Chennai 600 006.



2. The Regional Joint Director,
Animal Husbandry Department,
Krishnagiri, Krishnagiri District.

3. The Government Pleader
High Court, Madras 104.

+1 CC to Government Pleader sr 1338, 1335.

+1 CC to Mr.R.Bharath Kumar, Advocate sr 1428

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SP(22/01/2020)