

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3302 of 2014

And

M.P.No.1 of 2014

M.Arun

... Petitioner

Vs.

1.The Principal,
Govt. Politechnic College,
Coimbatore – 641 014.

2.The Assistant Director,
District Employment Office,
Coimbatore – 641 029.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings bearing No.4407/B1/2010 dated 28.01.2014 on the file of the first respondent herein, quash the same and consequently direct the first respondent herein to reinstate the petitioner with all back wages and attendant benefits etc.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.G.Karthikai Balan for R1
Government Advocate
Mr.A.N.Thambi Durai for R2
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings bearing No.4407/B1/2010 dated 28.01.2014 on the file of the first respondent, to quash the same and to consequently direct the first respondent to reinstate the petitioner with all back wages and attendant benefits etc.

2.The case of the petitioner is that the petitioner completed his X Standard during March, 2003, ITI during July, 2008 and Diploma in Engineering Course during the year 2011 and he got registered with the second respondent on 10.08.2012. The petitioner got employment with one Om Muruga Auto Care, Vadavalli and was working there. While being so, the first respondent vide proceedings dated 06.12.2013 called the petitioner to attend the interview for the post of Artisan (Grade II) and on 26.12.2013, the petitioner attended the said interview. Thereafter, the first respondent vide proceedings dated 03.01.2014 appointed the petitioner temporarily in the post of Artisan (Grade II).

3.It is the further case of the petitioner that the petitioner submitted his resignation at the earlier working place and they also

accepted the same and issued relieving order on 08.01.2014. Thereafter, the petitioner joined the office of the first respondent on 10.01.2014 and on that day, the first respondent directed the petitioner to hand over all the original certificates. The petitioner also handed over all the original certificates to the first respondent. Thereafter, the first respondent vide proceedings dated 28.01.2014 terminated the services of the petitioner. Hence, this writ petition.

4.The learned counsel appearing for the petitioner would submit that the impugned proceedings terminating the services of the petitioner has been passed by the first respondent, on the ground that the second respondent vide letter dated 28.01.2014 has stated that the sponsorship made for the petitioner did not come within the seniority and hence his sponsorship has been cancelled. He would further submit that before issuing the impugned proceedings, no show cause notice was issued to the petitioner. Hence, the impugned proceedings is non est in law. He would further submit that the petitioner also resigned his earlier job.

5.The learned Special Government Pleader would submit that the first respondent notified 10 priority and 5 non priority vacancies of

Artisan (Grade II) and a list of candidates in the ratio of 1:5 was sent to the first respondent on 16.07.2013 by the second respondent. The petitioner's name was nominated in the list under BC-Non Priority category considering in the seniority of 24.02.1988, which is the petitioner's date of birth, due to technical flaw in the online registration, whereas, the petitioner's seniority is 10.08.2012. Hence, his sponsorship was cancelled by the second respondent.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Perusal of records disclose that the first respondent notified 10 priority and 5 non priority vacancies of Artisan (Grade II) and a list of candidates in the ratio of 1:5 was sent to the first respondent on 16.07.2013 by the second respondent. The petitioner's name was nominated in the list under BC-Non Priority category considering in the seniority of 24.02.1988, which is the petitioner's date of birth, due to technical flaw in the online registration. The petitioner's seniority i.e., 10.08.2012 is beyond the cut off date of nomination date i.e., 08.01.1992. However, inadvertently, due to technical flaw in the online registration the petitioner's date of birth was considered as the

petitioner's seniority by the second respondent. Hence, this Court is not inclined to interfere with the impugned order.

8.However, the mistake is absolutely on the part of the second respondent, due to which, the petitioner has also lost his job in the earlier working place. Hence, this Court is inclined to impose costs on the second respondent.

9.The writ petition is dismissed. The second respondent is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only), as costs, to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. Thereafter, the second respondent shall conduct enquiry and find out the person who committed the mistake and shall recover the amount from the said person. Consequently, the connected miscellaneous petition is closed.

16.12.2020

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

M.DHANDAPANI,J.

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To

- 1.The Principal,
Govt. Polytechnic College,
Coimbatore – 641 014.
- 2.The Assistant Director,
District Employment Office,
Coimbatore – 641 029.



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