

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.NO.29126 OF 2010

AND

M.P.NO.1 OF 2010

Mrs.E.Rajalakshmi

...Petitioner

Vs

1. The Commissioner,
Animal Husbandry and
Medical Services,
Chennai - 600 006.

2. The Regional Deputy Director of
Animal Husbandry,
Tiruvannamalai District,
Tiruvannamalai.

3. The Assistant Director,
Animal Husbandry,
Tiruvannamalai.

4. The Director,
Directorate of Government
Examinations,
Chennai - 600 006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the Commissioner, Animal Husbandry and Medical Services, Chennai - 6, the 1st respondent herein and the order passed by the Assistant Director of Animal Husbandry, Tiruvannamalai, the 3rd respondent herein vide their proceedings No.Na.Ka.No.48873/R3/2007-1 dated 09.11.2010 and Na.Ka.No. 2211/Aa/2010 dated 11.11.2010 respectively and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents herein to reinstate the petitioner into service.

For Petitioner : Mr.A.R.Suresh

For Respondents: Mr.S.Thangavel, SGP
for R1 to R3

Mr.S.Suresh Kumar, GA for R4

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein was appointed as a Typist on 09.01.2007 on compassionate grounds under the third respondent. On an allegation that the petitioner had produced a bogus statement of marks at the time of appointment, the petitioner's service was terminated on 09.11.2010, which order is under challenge in the present writ petition.

3. The main ground raised by the petitioner herein is that prior to the termination, the petitioner was not given an opportunity to put forth her objections.

4. A perusal of the impugned order does not reveal that the petitioner was extended with any such opportunity either by calling for explanation or through conduct of an enquiry. As such, the proceedings itself, terminating the petitioner, would be in violation of the principles of natural justice and therefore, the impugned order cannot be sustained.

5. However, if the respondents are granted liberty to take further course of action with regard to the allegation that the petitioner had produced a bogus statement of marks, by adhering to the principles of natural justice, the ends of justice could be secured.

6. In the light of the above observations, the impugned orders, dated 09.11.2010 on the file of the first respondent herein and 11.11.2010 on the file of the third respondent, are quashed and the first respondent herein is granted liberty to take further course of action by adhering to the principles of natural justice. It is made clear that in case the first respondent is of the view that the petitioner's objections to the show cause notice is not acceptable, he is directed to conduct a proper enquiry and extend all opportunities to the petitioner before taking a final decision.

7. The writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Commissioner,
Animal Husbandry and
Medical Services,
Chennai - 600 006.

2. The Regional Deputy Director of
Animal Husbandry,
Tiruvannamalai District,
Tiruvannamalai.

3. The Assistant Director,
Animal Husbandry,
Tiruvannamalai.

4. The Director,
Directorate of Government
Examinations, Chennai - 600 006.

+1cc to Mr.AR.Suresh, Advocate, SR.no.22723
+1cc to Government pleader, Sr.No.23098

W.P.No.29126 of 2010
and
M.P.No.1 of 2010

PL(CO)
KKV/14/06/2021



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