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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)No.777 of 2012

and

M.P(MD)No.2 of 2012

1.The District Collector,
Collectorate,
Virudhunagar District.

2.The District Project Officer,
Integrated Child Development Scheme,
Virudhunagar. ... Appellants/1st and 2nd Respondents

Vs.

M.Veluthai ... Respondent / Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 15.03.2012 made in W.P(MD)No.9 of 2012 on the file of this Court.

Prayer in WP(MD). 9/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, to call for the records passed by the first Respondent herein in Na.Ka.No.1947/A3/2011, dated 18-11-2011 and quash the same and consequently direct the Respondent herein to reinstate the Petitioner in service with all consequential monetary and service benefits.

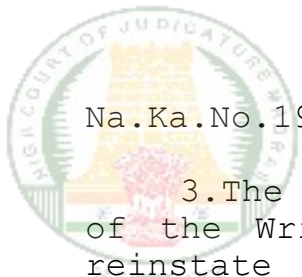
For Appellants : Mr.K.P.Narayanakumar
Special Government Pleader
For Respondent : Ms.M.Padmavathy

JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

This Writ Appeal is directed against the order, dated 15.03.2012 passed in W.P(MD)No.9 of 2012.

2.The Writ Petition was originally filed by the respondent / writ petitioner for a Writ of Certiorarified Mandamus, to call for the records of the first appellant / first respondent in



Na.Ka.No.1947/A3/2011, dated 18.11.2011.

3.The learned Single Judge, by order dated 15.03.2012, disposed of the Writ Petition, directing the appellants / respondents to reinstate the respondent / writ petitioner with all consequential benefits payable to the respondent / writ petitioner. Challenging the same, the Government has preferred the present Writ Appeal.

4.The respondent / writ petitioner was appointed as an Anganwadi Assistant in A.Ramalingapuram Village, Virudhunagar, in the year 2007 and she has been working there till the proceedings of the first appellant / first respondent was passed on 18.11.2011. The second appellant / second respondent issued a charge-memo, dated 05.08.2011 and the only allegation in the charge-memo was that she had furnished a bogus educational certificate and caused monetary loss to the Government. Based on the charge-memo, the respondent / writ petitioner had appeared for an enquiry, but, according to the respondent / writ petitioner, no enquiry was conducted.

5.It is stated that the required qualification for an Anganwadi Assistant is to read and write in Tamil and has to be less than 40 years of age. As the respondent / writ petitioner had qualified for the post of Anganwadi Assistant, but, she was dismissed from service alleging that she had furnished a bogus certificate. The respondent / writ petitioner's record sheet was attached in the typed set of papers, wherein it goes to show that she has only cleared 4th standard in the year 1980. The said certificate is doubted by the appellants / respondents. The respondent / writ petitioner seems to have mentioned 5th standard as her qualification, whereas, the certificate shows that she has cleared only 4th standard. Therefore, she has been alleged to have furnished a bogus document. When she has cleared 4th standard, obviously, she is entitled to be promoted to 5th standard. Though, the respondent / writ petitioner had stated that she had completed 5th standard, merely stating that she studied upto 5th standard, cannot be said to be a false statement. It is not the case of the appellants / respondents that for the purpose of appointing an Anganwadi Assistant, the applicant should have passed 5th standard. Admittedly, the required qualification is only reading and writing knowledge in Tamil. The respondent / writ petitioner also has been working from 2007 to 2011, with whatever qualification she had at the time of her appointment. Therefore, there is no ground for the first appellant / first respondent to pass the order of dismissal.

6.In the light of the above, the appellants / respondents have not made out any other ground and especially to substantiate the reasoning for the dismissal of the respondent / writ petitioner and the order passed by the learned Single Judge is confirmed. The appellants / respondents are directed to reinstate the respondent / writ petitioner with all consequential benefits payable to the respondent / writ petitioner and the Writ Appeal stands dismissed.



No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The District Collector,
Collectorate,
Virudhunagar District.
- 2.The District Project Officer,
Integrated Child Development Scheme,
Virudhunagar.

+1 CC to M/s.SPL GP (SR-3075[F] dated 03/02/2021)

W.A(MD)No.777 of 2012
01.02.2021

ES(CO)
KB(11.02.2021) 3P 4C