



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.(MD)No.8603 of 2019

and

W.M.P.(MD)No.6715, 10815 & 11010 of 2019

S.Geetha

...Petitioner

/Vs./

1.The Joint Director of Cooperative Audit,  
Chennai-35.

2.The Assistant Director of Cooperative Audit,  
Trichy. ...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned orders passed by the first respondent in Na.Ka.No.7429/2013/AA Pa A1, dated 05.04.2019 and consequently order issued by 2<sup>nd</sup> respondent in Na.Ka.612/2019/AP 1 dated 09.04.2019 and quash the same and consequently direct the respondents to reinstate the petitioner into service as Junior Cooperative Auditor and regularise her services with all backwages.

(Prayer is amended vide order of this Court dated 09.12.2021, in WMP (MD)No.11010 of 2019.)

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| For Petitioner  | : Mr.G.Kannan<br>for M/s.Veera Associates              |
| For Respondents | : Mr.K.S.Selvaganesan<br>Additional Government Pleader |

### ORDER

Heard Mr.G.Kannan, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader for the respondents.

2.The petitioner had originally sought a mandamus directing the respondents to extend his probation by a period of three years. Pending writ petition, the appointment of the petitioner has been terminated as a result of which, WMP.(MD)No.11010 of 2019 had come to be filed seeking amendment of the prayer such that order dated 05.04.2019 and consequential order dated 09.04.2019 terminating her services have come to be challenged. The petitioner has also sought



a consequential direction for her reinstatement is service.

3.Mr.K.S.Selvaganesan, learned Additional Government Pleader fairly does not object to the amendment sought. WMP.(MD)No.11010 of 2019 seeking amendment is ordered. Necessary modification be carried out in the affidavit.

4.On merits, the termination has been premised upon the fact that the petitioner has passed only nine out of ten qualifying examinations in the Department of Co-operative Audit.

5.Learned counsel relies upon an order passed in the case of the colleague of the petitioner, one N.Vinoth, who in an identical situation challenged an order of termination in W.P.No.11787 of 2019. His order of termination came to be set aside by this Court on 16.04.2019 on the ground of violation of principles of natural justice, equally applicable to the petitioner herein. The impugned order is also thus set aside.

6.Learned counsel for the petitioner brings to my notice that in the case of N.Vinoth, consequent upon the setting aside of the order of termination by this Court, that candidate has been heard and been reinstated in service, after relaxation of applicable rules and regulations.

7.Though the impugned order is set aside on the ground of violation of principles of natural justice, the ball now lies in the court of the petitioner to make a suitable application before the respondents for relaxation of applicable conditions for reinstatement. Such application if and when received, shall be disposed by the respondents, after hearing the petitioner and in accordance with law, bearing in mind the procedure adopted and conclusion arrived at by the State in the case of identically placed employees, within a period of twelve weeks from the date of receipt of the application, as aforesaid.

8.This writ petition is allowed as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Joint Director of Cooperative Audit,  
Chennai-35.

2.The Assistant Director of Cooperative Audit,  
Trichy.

+1 CC to M/s.SPL GP ( SR-38102[F] dated 10/12/2021 )

+1 CC to M/s.VEERA ASSOCIATES, Advocate ( SR-38261[F] dated 10/12/2021 )

Order made in  
W.P.(MD)No.8603 of 2019  
Dated: 09.12.2021

nsn(CO)  
TR(08.02.2022) 3P 5C