



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM :

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P (MD)No.9820 of 2022

and W.M.P. (MD)No.7038 of 2022

WEB COPY

K.Parvathy

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Scheduled Caste and Scheduled Tribes Welfare Department,
Secretariat, Chennai.
- 2.The Commissioner,
Commissionerate of Adi-Dravidar Welfare,
Chepauk, Chennai - 5.
- 3.The District Collector,
Tirunelveli District, Tirunelveli.
- 4.The District Collector,
Tenkasi District, Tenkasi.
- 5.The District Scheduled Caste and Scheduled
Tribes Welfare Officer,
O/o.the District Scheduled Caste and Scheduled
Tribes Welfare Officer,
Tirunelveli, Tirunelveli District. ...Respondents

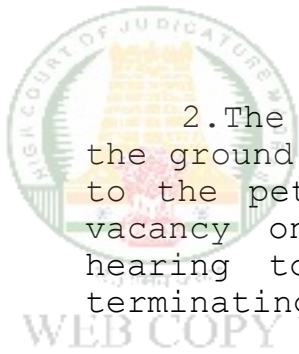
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records relating to the impugned order passed by the fifth respondent vide his proceedings in ந.க.எண்.ஏ4/13433/2020, dated 11.05.2022.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned order dated 11.05.2022, passed by the fifth respondent, under which, the petitioner's services as Cook in the Adi Dravidar Welfare Department has been terminated.



2.The petitioner has challenged the impugned order primarily on the ground of violation of principles of natural justice. According to the petitioner, she was appointed as Cook under the permanent vacancy on 25.02.2021 and without affording any opportunity of hearing to the petitioner, the impugned order has been passed terminating her services as Cook.

3.This Court has perused and examined the impugned order. As seen from the impugned order, no notice has been given to the petitioner before terminating her services. Therefore, this Court is of the considered view that the principles of natural justice has been violated. The termination order has been issued on the ground that the petitioner is overaged. The same is disputed by the petitioner in this Writ Petition. Unless and until the petitioner was afforded an opportunity of hearing, her contention cannot be considered by the respondents. Without affording any opportunity of hearing to the petitioner with regard to the contention raised by her in this Writ Petition, the impugned order has been passed. Therefore, it is very clear that principles of natural justice has been violated by the fifth respondent. Hence, this Court is of the considered view that the impugned order has to be quashed and the matter be remanded back to the fifth respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner, including granting her the right of personal hearing.

4.For the foregoing reasons, the impugned order dated 11.05.2022, passed by the fifth respondent, terminating the services of the petitioner, is hereby quashed and the matter is remanded back to the fifth respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting her the right of personal hearing. The fifth respondent shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

smn2



To

1.The Additional Chief Secretary to Government of Tamil Nadu,
Scheduled Caste and Scheduled Tribes Welfare Department,
Secretariat,
Chennai.

2.The Commissioner,
Commissionerate of Adi-Dravidar Welfare,
Chepauk,
Chennai - 5.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The District Collector,
Tenkasi District,
Tenkasi.

5.The District Scheduled Caste and Scheduled
Tribes Welfare Officer,
O/o.the District Scheduled Caste and Scheduled
Tribes Welfare Officer,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-23929[F] dated 20/05/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-23995[F] dated
23/05/2022)

W.P(MD)No.9820 of 2022
19.05.2022

nsn(CO)
TR(30.05.2022) 3P 8C