



W.P.(MD) No.14127 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.14127 of 2022
and W.M.P.(MD).No.10090 of 2022

N.Neelaveni

... Petitioner

Vs.

1.The Director,
The Public Health and Department of Immunology,
Chennai – 6.

2.The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Kovilpatti, Thoothukudi District.

3.The Regional Medical Officer,
Primary Health Centre,
Keezhaeral, Thoothukudi District.

4.The Medical Officer,
Primary Health Centre,
Ilayarasanenthal,
Kovilpatti, Thoothukudi District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order of termination from service passed by the 2nd respondent in



W.P.(MD) No.14127 of 2022

his proceedings in Na.Ka.No.7832/A2/2021, dated 30.05.2022 and quash the same as illegal and consequently, direct the 1st and 2nd respondents to reinstate the petitioner in service together with back wages with all other attended benefits.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.G.Suriyanath
Additional Government Pleader

ORDER

Among the various grounds raised in the present writ petition challenging the order of termination, the learned counsel for the petitioner submitted that he would be satisfied if the respondents are directed to consider his objections, dated 20.05.2022, as reflected in the counter affidavit.

2. According to the learned counsel, though the petitioner had given her explanation on 20.05.2022, the same has not been considered while passing the impugned order of termination. Perusal of order of termination, does not reveal that the various objections raised by the petitioner in her explanation dated 20.05.2022, has been considered.



W.P.(MD) No.14127 of 2022

WEB COPY

3. Since the petitioner claims to have been in continuous employment from 2016 onwards, the termination of service without consideration of her objections would amount to violation of principles of natural justice. On this limited ground and without going into the merits of the case, the order of termination passed by the 2nd respondent in his proceedings in Na.Ka.No. 7832/A2/2021 dated 30.05.2022, is hereby set aside. However, the petitioner herein would not be entitled for reinstatement into service. Accordingly, there shall be a direction to the second respondent to consider the petitioner's objections, dated 20.05.2022 and after giving due opportunity of personal hearing to the petitioner, the second respondent herein shall pass final orders, within a period of four weeks from the date of receipt of a copy of this order.

4.This writ petition stands partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

TM



W.P.(MD) No.14127 of 2022

WEB COPY To

- 1.The Director,
The Public Health and Department of Immunology,
Chennai – 6.
- 2.The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Kovilpatti, Thoothukudi District.
- 3.The Regional Medical Officer,
Primary Health Centre,
Keezhaeral, Thoothukudi District.
- 4.The Medical Officer,
Primary Health Centre,
Ilayarasanenthal,
Kovilpatti, Thoothukudi District.



WEB COPY



W.P.(MD) No.14127 of 2022

M.S.RAMESH,J.

TM

W.P.(MD) No.14127 of 2022

29.07.2022