



WP(MD)No.14683 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.14683 of 2022
and
W.M.P(MD)Nos.10478 & 10479 of 2022

S.Aravinth

... Petitioner

/vs./

- 1.The Director,
Adi Dravidar Welfare Department,
Chepauk,
Chennai.
- 2.The District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.
- 3.V.Thiyagarajan,
The District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order in Na.Ka.No.A4/13433/2020, dated 11.05.2022 on the file of the respondent No.2 and quash the same as illegal and consequently to direct the



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respondent No.3 to pay a sum of Rs.50,000/- towards the legal expenses and the mental agony suffered by the petitioner due to non-employment for the last two months within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For R-1 & R-2 : Mr.G.Suriyananth

Additional Government Pleader

ORDER

The petitioner herein was appointed as a cook in the Adi Dravidar Welfare Department, through an order, dated 25.02.2021. The minimum educational qualification prescribed for the Post of cook is SSLC (fail). Alleging that the petitioner herein had passed SSLC, the order of appointment came to be cancelled on 11.05.2022. Challenging such cancellation, the present writ petition has been filed.

2.Pending writ petition, the second respondent herein, through his proceedings in Na.Ka.No.A4/13433/2020, dated 13.07.2022 had revoked the order of cancellation of appointment, dated 11.05.2022 and reinstated the petitioner back into the service by observing that the petitioner possessed the



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qualification of SSLC fail, which is the minimum educational qualification prescribed. Apparently, the second respondent herein had admitted that the petitioner had possessed the required qualification at the time of appointment. While that being so, the subsequent order of cancellation, dated 11.05.2022 seems to be apparently illegal.

3.The order of cancellation also suffers for one more infirmity. Though the petitioner was appointed on 25.02.2021, his appointment came to be cancelled, without any prior notice or opportunity to the petitioner and as such, the order of cancellation is deemed to be in violation of principles of natural justice. On this ground also, the petitioner is entitled to succeed.

4.Since this Court has found that the original impugned order of cancellation of appointment is illegal, the petitioner would be entitled for all the service and monetary benefits during the period of his non-employment, as held in various decisions of this Court as well as the Hon'ble Supreme Court.



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5. In the light of the above said observations, no interference is required to the impugned order of cancellation, in view of subsequent proceedings of the second respondent, dated 13.07.2022. However, since this Court has found the order of cancellation, dated 11.05.2022 to be illegal, there shall be a direction to the second respondent to pass order, extending all the service and monetary benefits during the period of his non-employment (i.e) between 11.05.2022 and 13.07.2022, including the arrears of salary. Such order of disbursement of the monetary benefits shall be made, at least, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.07.2022

Index : Yes / No
Internet : Yes / No
btr/sm



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- 2.The District Adi Dravidar Welfare Officer,
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M.S.RAMESH, J.

btr/sm

Order made in
W.P.(MD) No.14683 of 2022

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19.07.2022