



W.P.No. 7072 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.03.2023

CORAM :

**THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN**

Writ Petition No. 7072 of 2023  
and  
WMP No. 7148 of 2023

V. Krishnaveni

.. Petitioner

Versus

1. The Joint Director  
Tamil Nadu Printing and Stationaries  
110, Anna Salai  
Chennai-600 002.
2. The Assistant Manager  
Government Branch Press  
Junction Road  
Virudhachalam  
Cuddalore District-606 001.
3. The Divisional Engineer  
Highways  
Construction and Maintenance  
Kallakuruchi.
4. The Additional Divisional Engineer  
Highways  
Construction and Maintenance  
Kallakuruchi.
5. The District Elementary  
School Educational Officer  
Villupuram.



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records of the impugned proceedings dated 16.09.2022 passed by the first respondent in proceedings No.B1/15902/2020 and the consequential removal order passed by the 2nd respondent dated 23.09.2022 vide Se.Mu.Aa.No.A2/1942/2022 and quash the same and consequentially direct the respondents to reinstate the petitioner to job of the "Mazdoor".

For Petitioner : Mr. S. Natarajan  
For Respondents : Mrs. Meera Arumugam  
Additional Government Pleader

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### **ORDER**

The petitioner has filed this writ petition challenging the order dated 16.09.2022 passed by the first respondent/The Joint Director, Tamil Nadu Printing and Stationary and the consequential order of removal passed by the second respondent dated 23.09.2022 vide Se.Mu.Aa.No.A2/1942/2022 and quash the same and consequentially direct the respondents to reinstate her in service in the post of "Mazdoor".

2. The husband of the petitioner was employed as *Salai Paniyalar* in the office of the respondents 3 and 4. During the course of such service, he died on 04.04.2005. On his death, the petitioner submitted an application seeking to appoint her on compassionate grounds. On consideration of such application, the petitioner was appointed as Mazdoor in the office of Government Press, Virudhachalam by an order dated 21.06.2017. The



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petitioner also joined duty as Mazdoor in the office of the second respondent on 29.06.2017. The service of the petitioner was also regularised from 28.06.2018 and her probation was also declared. While the petitioner was working as such, an order dated 16.09.2022 was passed by the first respondent based on which the consequential order dated 23.09.2022 was passed by the second respondent relieving her from service. The reason for passing the order, relieving the petitioner from service is that the petitioner has produced false educational certificate at the time of joining duty. Therefore, challenging the order relieving the petitioner from service, the present writ petition is filed on the ground that before passing such an order, the petitioner was not put on notice or an enquiry was conducted affording an opportunity to her to defend the allegations. Therefore, by contending that the impugned orders have been passed in gross violation of principles of natural justice, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials placed.

4. It is seen from the order dated 16.09.2022 of the first respondent that on the basis of the report issued by the District Educational Officer,



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Thirukovilur, it was stated that the petitioner had passed only third standard and she discontinued her studies while pursuing fourth standard. It is based on such report of the District Educational Officer, Thirukovilur, the first respondent concluded that the educational testimonials issued by the petitioner at the time of joining service as if she passed V standard is false and bogus. Therefore, the first respondent, by placing reliance on G.O. Ms. No.190, Personnel and Administrative Reforms Department dated 09.06.1995 and Rule 10 (a) (v) of the Tamil Nadu State and Subordinate Service Rules directed the second respondent to relieve the petitioner from service. Accordingly, by an order dated 23.09.2022, the second respondent passed the consequential order relieving the petitioner from service.

**5.** The undisputed fact remains that the petitioner joined the services as Mazdoor on compassionate grounds on 21.06.2017 and as on the date of passing the order dated 23.09.2022, the petitioner had rendered five years of service. It is also evident that the service of the petitioner was regularised and her probation was declared. In the order dated 16.09.2022 of the first respondent, there is no reference made as to whether any enquiry was conducted and an opportunity was given to the petitioner to putforth her defence. It is also evident that the petitioner was accommodated on compassionate grounds as Mazdoor and such an order was not issued based on



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the educational qualification of V standard passed by the petitioner. Rather, in order to ensure that the family of the deceased Government servant do not suffer from financial crunch, she was given employment on compassionate grounds.

6. Be that as it may. Before passing the orders dated 16.09.2022 and 23.09.2022, which are impugned in these writ petition, the petitioner was not given an opportunity to submit her explanation. There was no enquiry conducted before relieving the petitioner from service. The respondents cannot, at the drop of a hat, relieve the petitioner from service on the basis of a certificate obtained from the District Educational Officer, Thirukovilur. The report of the District Educational Officer, Thirukovilur has not been furnished to the petitioner. The petitioner was not issued with a show cause notice. Therefore, this Court is of the view that the orders, which are impugned in this writ petition, are legally not sustainable and they are in gross violation of principles of natural justice.

7. In the light of the above, the impugned orders dated 16.09.2022 and 23.09.2022 are set aside. The matter is remanded back to the first respondent for fresh consideration. The first respondent is directed to conduct an enquiry, furnish the documentary evidence relied on to the petitioner, afford



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an opportunity of hearing to enable the petitioner to put forth her defence and thereafter pass an order afresh on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

**8.** With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**08.03.2023**

msm

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The District Collector  
Collectorate, Erode District.
2. The Tahsildar  
Office of the Tahsildar  
Gobichettipalayam.



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**V. BHAVANI SUBBAROYAN, J**

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