



W.P.No.673 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.673 of 2021

S.Rajammal

... Petitioner

Vs.

1.The Secretary to Government,
Public Home Department,
The Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.

2.The Secretary to Government,
Revenue Department,
The Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

3.The Commissioner of Revenue Administration /
Principal Secretary,
Ezhilagam Building,
Chepauk, Chennai 600 005.

4.The District Collector,
Erode District, Erode.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 07.12.2020 in Na.Ka.No.35705/2019/m5 passed by the 4th respondent and quash the same and consequently, direct the respondents to regularise the services of the petitioner from the



W.P.No.673 of 2021

date of initial appointment and grant all consequential monetary and other benefits.

For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.P.Sanjai Gandhi, GA

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 07.12.2020 in Na.Ka.No.35705/2019/m5 passed by the 4th respondent and quash the same and consequently, direct the respondents to regularise the services of the petitioner from the date of initial appointment and grant all consequential monetary and other benefits.

2. Heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.P.Sanjai Gandhi, learned Government Advocate for the respondents.

3. The petitioner has been appointed as Junior Assistant in the year 2005. The petitioner's date of birth has been registered in the Employment Exchange as 04.02.1961. But in the service register, her date of birth is written as 04.02.1967. Since there is a contradiction



W.P.No.673 of 2021

between these two records, the petitioner was instructed to produce the original certificates of educational qualification. The petitioner did not produce the relevant records, but remained absent for duty from 01.01.2020. According to the petitioner, she was not allowed to work. The petitioner claims that her correct date of birth is 04.02.1961 and for the erratic entries made in the service register, the petitioner cannot be penalised.

4. The petitioner is said to have submitted her explanation on 02.11.2020. On considering the same, the impugned order has been passed by ousting the petitioner. According to the impugned order, the petitioner had already filed a Writ Petition in W.P.No.892 of 2020 dated 20.01.2020. In the said Writ Petition, an order has been passed by giving a direction to the District Collector to verify the certificates that are already available on record and which have been submitted by the petitioner at the time of joining in the year 2005 and call for the particulars from the Employment Exchange where the petitioner had already registered her name and arrive at a conclusion about the



W.P.No.673 of 2021

genuineness of the claim of the petitioner about her date of birth. The impugned order has been passed subsequent to the above order passed in the above Writ Petition. It has been subsequently observed that there was no documents produced to prove the petitioner's date of birth. However the fourth respondent had accepted the date of birth of the petitioner as 04.02.1967.

5. According to the fourth respondent, the petitioner remained herself absent from 01.01.2020 and there are surplus staffs in the cadre of Junior Assistant and hence the petitioner was ousted from the post of Junior Assistant. Since the petitioner's appointment is only a temporary appointment, the fourth respondent had ousted her through the impugned order.

6. Since the impugned order has been passed basing upon the materials placed before the fourth respondent, there is no reason to set aside the same. But the petitioner has also sought the relief of regularising her service. If the petitioner is so interested in getting



W.P.No.673 of 2021

regularisation, it is up to her to file a separate Writ Petition basing upon the source from which she claims such an entitlement.

7. With these observations, this Writ Petition is disposed and the petitioner is at liberty to file a separate Writ Petition basing upon the source from which she claims such an entitlement. No costs.

01.12.2023

Index : Yes

Internet : Yes/No

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To

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W.P.No.673 of 2021

R.N.MANJULA, J.

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W.P.No.673 of 2021

01.12.2023