



WEB COPY



W.P.No.23525 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.23525 of 2023
and
W.M.P.No.23030 of 2023

M.Padmini

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Higher Education Department,
Fort St. George, Chennai – 600 009.

2.The Director of Collegiate Education,
Directorate of Collegiate Education,
Chennai – 600 015.

3.The Principal,
Muthurangam, Government Arts College,
(Autonomous), Vellore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for records relating to the 2nd respondent's proceedings in Na.Ka.No.5737/Q3/2023, dated 02.08.2023, and to quash the same.

For Petitioner : Mr.L.Chandrakumar

For R1 and R2 : Mr.V.Jeevagiridharan
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent in Na.Ka.No.5737/Q3/2023, dated 02.08.2023, cancelling the appointment of the petitioner as Controller of Examinations.

2.It is the case of the petitioner that she was appointed as Controller of Examinations by the 2nd respondent vide proceedings in Na.Ka.No.48267/Q3/2022, dated 11.01.2023. The order of appointment dated 11.01.2023 in Na.Ka.No.48267/Q3/2022 makes it clear that the period of posting will be three years or till the date of her superannuation, whichever is earlier. The petitioner states that she has also taken charge on 27.02.2023 based on the above said appointment order. Thereafter, it appears that the 2nd respondent has issued impugned order in Na.Ka.No.5737/Q3/2023, dated 02.08.2023, cancelling the appointment given to the petitioner, mainly on the ground that a person who is appointed as Controller of Examinations ought to have three years of service on the date of appointment, whereas, the petitioner had only 2 years and 6 months of service before reaching superannuation, and



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therefore, her appointment as Controller of Examinations was cancelled.

Challenging the same, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner and Mr.V.Jeevagiridharan, learned Additional Government Pleader, who takes notice for the respondents 1 and 2.

4.It is relevant to note that the impugned order has been passed without serving any notice or without seeking any explanation from the petitioner. In such view of the matter, when the impugned order has been passed in violation of principles of natural justice, the same cannot be sustained in the eye of law. If at all the 2nd respondent wants to take a view contrary to the appointment order already passed by his predecessor, the authority ought to have given proper opportunity to the petitioner before taking such a view and passing an order, particularly when the petitioner has already been appointed and has joined duty as Controller of Examinations based on the prior appointment order. Hence, this Court is of the view that the impugned order passed without giving a proper opportunity to the petitioner, is liable to be set aside.



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5. Therefore, the impugned order passed by the 2nd respondent in

Na.Ka.No.5737/Q3/2023, dated 02.08.2023, is set aside. It is well open to the respondents to give proper opportunity and hear the petitioner and thereafter, pass fresh orders on merits.

6. Accordingly, this writ petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

09.08.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Principal Secretary,
State of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai – 600 009.
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N. SATHISH KUMAR, J.
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