



W.P(MD)No.7054 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7054 of 2023

and

W.M.P(MD)Nos.6683 & 6685 of 2023

A.Sathya

... Petitioner

Vs

The Mother Theresa Women's University,
Represented by its Registrar,
Attuvumpatti,
Kodaikanal,
Dindigul District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order made by the respondent in her proceedings in Proc.No.211/WU/Rr/Estt/2020 dated 20.10.2020 and quash the same as illegal and consequently direct the respondent to reinstate the petitioner in service with continuity of service and pay all attendant benefits thereto within the time that may be stipulated by this Court.



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For Petitioner : Mr.M.Mahaboob Athiff
For Respondent : Mr.N.Shanmugaselvam
Standing Counsel

ORDER

The petitioner is a differently abled individual. She has locomotor issues. She was appointed as Office Assistant on 11.06.2009 in the respondent University. Her probation was declared with effect from 02.04.2012.

2. The specific case of the petitioner is that she was appointed against a sanctioned vacancy in a regular post and that she is not a back door entrant. Her appointment was through due process. By the impugned order dated 20.10.2020 she was terminated from service. The impugned order reads as follows:

PROCEEDINGS OF THE REGISTRAR-IN-CHARGE, MOTHER TERESA WOMEN'S

UNIVERSITY, KODAIKANAL – 624 102

PRESENT : DR.C.HILDA DEVI
REGISTRAR-IN-CHARGE

Proc.No.211/WU/Rr/Estt/2020/date : 20.10.2020

Sub : MTWU – Tmt.A.Sathya, Office Assistant – taken often leave without intimation – Termination orders issued – reg.

Ref : 1. Proc.No.2654/WU/Rr/Appt/Non-Aca/2009 dated: 11.06.2009
2. Memo issued dated : 17.09.2012, 04.11.2019 & 07.02.2020
3. E.C.Resolution No. EC2020-13, meeting held on 27.08.2020



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ORDER :

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In the reference cited, Tmt.A.Sathya was appointed as Office Assistant and joined duty on the afternoon on 11.06.2009.

From the appointment onwards, she has taken leave often without any intimation. The same was referred to the Executive Council held on 27.08.2020. As per Executive Council resolution No.EC2020-13, the services of Tmt.A.Sathya is terminated with effect from 20.10.2020.

REGISTRAR-IN-CHARGE

To

Tmt.A.Sathya
W/o.Soosai
Gurusadi Street
Vadakarai, Periyakulam
Theni – 625 601
Cell : 8903622724

Copy to

1. The Vice-Chancellor Section
2. Finance Section
3. File

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

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.



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4. Mr.N.Shanmugaselvam, learned Standing Counsel appearing for the respondent University submitted that he requires time to file counter affidavit.

5. In normal circumstances, I would have definitely accepted the said request to adjourn the matter. I do not want to adjourn this case for two reasons:

- a) I only propose to remit the matter to the file of the respondent.
- b) Notice was issued on 30.03.2023 returnable by 23.06.2023. Court notice was also served on the respondent as early as on 01.04.2023.

Therefore, there is no justification on the part of the respondent in instructing their counsel to take time.

6. I went through the materials on record. It is too obvious that the petitioner has been sacked summarily. The service of a regular University employee cannot be terminated without holding an enquiry.

7. The learned counsel appearing for the petitioner asserts that the petitioner was not issued with any charge memo. If according to the respondent, the petitioner had committed an act of misconduct she must be



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dealt with in the manner known to law. Since due process of law has not been followed, the order impugned in the writ petition is set aside. The respondent is directed to reinstate the petitioner forthwith. It is open to the respondent to take a decision as to whether any disciplinary action should be taken against the petitioner or not. Since the petitioner had approached the Court only in March 2023, the question of ordering backwages does not arise at all.

8. This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

MGA

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and

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