



W.P(MD)No.14527 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.14527 of 2016

and W.M.P. (MD) Nos.10784 & 10785 of 2016

M. Banumathi

...Petitioner

Vs.

1. The District Collector,
O/o. The District Collector,
Tirunelveli District.

2. The Commissioner,
Senkottai Panchayat Union,
Tirunelveli District.

....Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari Mandamus to call for the records pertaining to the impugned order in Na.Ka. No.Gna9/3902/2016 dated 29.04.2016 passed by Respondent No.1 and quash the same as illegal and consequently direct the Respondent No.1 to appoint the Petitioner as a Noon Meal Organizer with the Government Primary School, Sampavar Vadakarai, (Keelur) Senkottai Panchayat Union, Tirunelveli District.



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For Petitioner : Mr.G.Karthick
for Mr.S.Rajasekar
For R1 : Mr.P.Subbaraj
Special Government Advocate
For R2 : Mr.M.Rajarajan

ORDER

This Writ Petition has been filed against the order in Na.Ka.No.Gna9/3902/2016 dated 29.04.2016 passed by the first respondent and for a consequential direction to the first respondent to appoint the petitioner as Noon Meal Organizer with the Government Primary School, Sampavar Vadakarai, (Keelur) Senkottai Panchayat Union, Tirunelveli District.

2. A counter affidavit has been filed on behalf of the second respondent.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent and perused



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the record.

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4. The case of the petitioner is that the petitioner belongs to Hindu Arunthathiyar Community (SC-A) and he has completed Higher Secondary Education and registered in the employment exchange and the same was renewed from time to time. Pursuant to the announcement of the first respondent, the petitioner applied for Noon Meal Organizer post. The first respondent, after following due procedure, appointed the petitioner as the Noon Meal Organizer in the Government Primary School, Sampavar Vadakarai, (Keelur) Senkottai Panchayat Union, Tirunelveli District vide order dated 27.02.2016. Before the petitioner joining into the duty, the first respondent passed the impugned order cancelling the appointment of the petitioner. Aggrieved by the same, this Writ Petition is filed.

5. In the counter affidavit, the second respondent contends that the petitioner is living with her husband in Karaikudi Village, which is their permanent address, but, the petitioner wrongly noted



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her address in her application as the resident of Door No.13-1-1, Kongumadasami Koil Street, Sampavar Vadakarai, which is ½ km distance from the noon meal centre. After receipt of information about the false information furnished by the petitioner, the first respondent conducted enquiry through the Revenue Divisional Officer, Tenkasi and basing on the enquiry report, the appointment of the petitioner is cancelled and as such, there is no infirmity in the order passed by the first respondent and sought to dismiss the Writ Petition.

6. The learned counsel for the petitioner would submit that the first respondent, without following due process of law, passed the impugned order which is in violation of the principles of natural justice. Accordingly, he sought to allow this Writ Petition by setting aside the impugned order.

7. The learned Special Government Pleader appearing for



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the first respondent supported the impugned order contending that the petitioner furnished false residential address in the application itself to get the job of Noon Meal Organizer and after conducting due enquiry through the Revenue Divisional Officer, Tenkasi, the impugned order is passed and accordingly, sought to dismiss the Writ Petition.

8. Having heard the submissions of the respective counsels and upon careful perusal of the entire materials available on record, it appears that the petitioner was appointed as the Noon Meal Organizer in Government Primary School, Sampavar Vadakarai, (Keelur) Senkottai Panchayat Union, Tirunelveli District, on 27.02.2016 and before she joined into the duties, by order dated 29.04.2016, the first respondent cancelled the appointment of the petitioner. The reason stated in the impugned order to cancel the appointment of the petitioner is that the petitioner is not a resident of that Village and she furnished wrong address to get job. It is an



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admitted fact that the first respondent obtained an enquiry report from the Revenue Divisional Officer, Tenkasi and basing on the report of the Revenue Divisional Officer, Tenkasi, the appointment of the petitioner is cancelled. On a careful perusal of the order impugned in this Writ Petition, it is clear that no notice is issued to the petitioner before passing the impugned order. It is also an admitted fact that no opportunity for personal hearing is afforded to the petitioner to put forth her case.

9. It is settled law that any order passed without giving opportunity to the aggrieved persons to putforth their version, it is in violation of the principles of natural justice. The Hon'ble Apex Court and this Court time and again held the same. There is no dispute that before issuing the impugned order, no show cause notice is issued calling for explanation of the petitioner or no opportunity is afforded to the petitioner to put forth his case.



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10. In view of the same, this Court has no hesitation to hold that the order impugned in this Writ Petition is passed against the principles of natural justice and as such, it cannot be sustainable under law.

11. For the above mentioned reasons, this Writ Petition is allowed with the following directions:

- i) The impugned order in Na.Ka. No.Gna9/3902/2016 dated 29.04.2016 passed by the first respondent is hereby set aside;
- ii) The first respondent shall permit the petitioner to join duty as the Noon Mean Organizer in the Government Primary School, Sampavar Vadakarai, (Keelur) Senkottai Panchayat Union, Tirunelveli District.

12. No costs.

13. Consequently, connected miscellaneous petitions are closed.



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Index : Yes / No
NCC : Yes / No
CM

To,
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Tirunelveli District.

2. The Commissioner,
Senkottai panchayat Union,
Tirunelveli District.



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BATTU DEVANAND, J.

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