



W.P.(MD).No.16362 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16362 of 2017

and

W.M.P.(MD).Nos.13037, 13038 of 2017 and 14568 of 2018

Dr.D.Latha Kumari

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Collegiate Education Department,
Fort St.George,
Chennai.
- 2.The Director of Collegiate Education,
College Road,
Chennai – 600 006.
- 3.The Joint Director of Collegiate Education,
O/o. the Joint Director of Collegiate Educational Office,
Madurai Region,
Madurai,
Madurai District – 620 020.
- 4.The Secretary,
Fatima College (Autonomous),
Mary Land, Madurai – 625 018,
Madurai District.



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5.The President,
St.Joseph's Educational Society,
Ananda Sadan,
SJL Provincialate,
Sacred Hearts Road,
Thambuchetti Palya,
Bangalore – 560 036,
State of Karnataka.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the fifth respondent in his proceedings nil dated 10.08.2017 (served to the petitioner on 25.08.2017) confirming the order passed by the fourth respondent in her proceedings No.91/TS/2017-2018 dated 27.05.2017 and quash the same as illegal.

For Petitioner : Mr.T.Arul,
For M/s.S.Balamurugan.

For R-1 to R-3 : Mr.V.Omprakash,
Government Advocate.

For R-4 and R-5 : M/s.A.Amala,
For M/s.Isaac Chambers.

ORDER

This Writ Petition is filed to quash the order dated 0.08.2017 confirming the order passed by the fourth respondent in her proceedings dated 27.05.2017.



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WEB COP 2. The petitioner was appointed by the fourth respondent College which is Aided Minority Autonomous College. The petitioner was appointed and placed under probation from the date of appointment for a period of two years. However, the respondents discharged the petitioner from service after two years before confirmation. The contention of the petitioner is that the appointment order specifically states that the petitioner shall be on probation for a period of 2 years from the date of joining. Therefore, on completion of 2 years, the petitioner is automatically confirmed in the said post. The said contention is refuted by the respondents by stating that the terms and conditions of the College stipulates the probation shall be normally for a period not less than 2 years and upto 3 years from the date of joining duty. Moreover, unless the confirmation order is issued by the competent authority of the Institution, then it cannot be stated that the petitioner is confirmed automatically. When the confirmation was not given to the petitioner, then the Institution has every power to discharge the employee even after completion of 2 years but before 3 years.

3. The interpretation of the petitioner cannot be accepted. When the confirmation order is issued, then only the petitioner would become permanent



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employee. If the petitioner is discharged before confirmation, then it ought to be taken as discharge simpliciter. There cannot be any automatic confirmation on completion of two years. Therefore, this Court is of the considered opinion that the discharge is a simpliciter during probation. Therefore, this Court is of the considered opinion the petitioner has not raised any legally sustainable ground and hence the Writ Petition is liable to be dismissed.

4. For the reasons stated above, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

14.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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To

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S.SRIMATHY, J.

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