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W.P.No.15201 of 2021
and W.P.Nos.16106 & 16107 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.15201 of 2021
and W.P.Nos.16106 & 16107 of 2021

S.Selvi

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Petitioner

versus

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Higher Education Department,
Chennai - 9.

2.The Director,
Directorate of Collegiate Education,
9th Floor, E.V.K.Sambath Maligai,
DPI Campus, College Road,
Nungambakkam, Chennai - 8.

3.The Principal,
Government Arts College for men, (Autonomous),
Nandhanam, Chennai - 35.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order bearing Na.Ka.No.0964/E/2021 dated 05.07.2021 issued by the 3rd respondent and quash the same and direct the 2nd and 3rd respondent to regularize the service of the petitioner on par with the other similarly placed persons including all service benefits, monetary benefits.



(Prayer amended as per order dated 18.03.2024 in W.M.P.No.25458 of 2022 in W.P.No.15201 of 2021)

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For Petitioner : Mr.K.Krishnamoorthy
For Respondents : Mr.K.Surendran
Additional Government Pleader

ORDER

The petitioner has filed this writ petition, challenging the proceedings of the third respondent dated 05.07.2021 and to direct the respondents 2 and 3 to regularize her service with all monetary benefits.

2. Heard Mr.K.Krishnamoorthy, learned counsel for the petitioner and Mr.K.Surendran, learned Additional Government Pleader for the respondents and perused the materials available on record.

3. Mr.K.Krishnamoorthy, learned counsel for the petitioner submitted that the impugned communication dated 05.07.2021 issued by the third respondent would state that the salary cannot be disbursed to the petitioner in view of the communication received from the second respondent.



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4. Mr.K.Surendran, learned Additional Government Pleader for the respondents submitted that the petitioner has suppressed the fact that she got remarried and she was no more a widow at the time of getting the appointment.

5. The petitioner was appointed through an employment exchange in the year 2008. So far as the petitioner is concerned, there is no possibility for her to know under which category she has been employed. However it is claimed by the respondents that the petitioner herself has registered under the destitute widow category before the employment exchange and the petitioner cannot deny that she was unaware of the category in which she got her appointment.

6. Mr.K.Krishnamoorthy, learned counsel for the petitioner claims that the petitioner has already informed the employment exchange about her subsequent marriage in the year 2007 itself and due endorsements have been made in her employment card.



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7. Though certain endorsements in the year 2007 seems to have been made, it is not clear whether it was with regard to the intimation given by the petitioner as to her change of marital status. But even the employment exchange is not able to furnish any back records in connection with the endorsement and hence it cannot be presumed that the petitioner suppressed materials or vital information about her marriage before the employment exchange and before her employer as well. In fact the petitioner was allowed to be in service for more than 14 years and the impugned proceedings have been passed on 05.07.2021. The petitioner had undergone a thorough selection process and she was given with the appointment order only after an assessment of her eligibility and suitability.

8. In fact, the respondents have called for the details of her marital status in the year 2010 itself and for which, the petitioner has also given her marital details stating that she got married on 01.06.2005 and it was an intercaste marriage. Even after receiving the same in the year 2010, no further action has been taken till 2011. Admittedly, the petitioner may not know the category for which the sponsorship was called for from the employment exchange. It is obviously because the above communication



would be between the Department and the Employment Exchange. All that the petitioner done was to appear before the selection committee after getting the call letter for the same. Even during that course, the petitioner's marital status was not an issue. Before issuing the appointment order, there shall be certificate verification and while verifying the certificates of the petitioner also, it was not pointed out that the petitioner is not eligible to secure the appointment as she did not fall under any of the category above mentioned. So in every stage of her employment, the respondents did not mind to block the employment of the petitioner on the ground that she did not fall under the destitute widow quota.

9. Mr.K.Surendran, learned Additional Government Pleader for the respondents submitted that the petitioner did not produce any certificates at the time of her interview. Normally, the candidates appearing for an interview would furnish those certificates which are called for. If the certificates are not furnished, no employer will proceed to the next level of issuing the appointment order. So the action of the respondents in issuing the appointment order would only confirm the fact that the petitioner had produced the material details and certificates and the respondents have also



satisfied with the certificates produced by her. In such circumstances, the petitioner cannot be blamed that she had secured an employment by suppressing any material fact or furnishing any false information.

10. Hence, this Writ Petition is **allowed** and the impugned order passed by the third respondent dated 05.07.2021 is quashed. The respondents are directed to consider the case of the petitioner even if it is needed to be considered as a special case and regularise the services without making any further delay on par with the selectees who have been selected in the same selection process, within a period of eight (8) weeks from the date of receipt of a copy of this order and No costs. Consequently, connected Miscellaneous Petitions are closed.

20.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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R.N.MANJULA, J.

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