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W.P.No.15745 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM:

**THE HONOURABLE Ms.JUSTICE R.N.MANJULA**

W.P. No.15745 of 2020  
and W.M.P.Nos.19583 & 19584 of 2020

R.Malathi

...

Petitioner

/vs/

1. The Secretary to Government,  
Health & Family Welfare Department,  
Fort St. George, Chennai – 9.
2. The Director,  
Medical and Rural Health Services,  
Chennai.
3. The Director of Public Health &  
Preventive Medicine,  
Chennai – 6.
4. The Joint Director,  
Health and Family Welfare Department,  
Ooty.
5. The Deputy Director of Family Welfare  
Health and Family Welfare Department,  
Ooty.



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6. The District Educational Officer,  
Coonoor, Ooty.

... Respondents

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(R6 impleaded vide order dated 20.06.2022 made in  
W.M.P.No.12319/2022 in W.P.No12745/2020)

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the fifth respondent in connection with the impugned order passed by him in Na.Ka.No.2622/H2/2016 dated 13.02.2017 and quash the same and direct the second and fourth respondents to implement the consequential order passed by the third respondent in his Na.Ka.No.68189/PhD-7/A3/2016 dated 14.12.2018 and to reinstate the petitioner into service and grant her all consequential service and monetary benefits.

For Petitioners ... Mr.K.Venkataramani  
Senior Counsel  
for Mr.M.Muthappan

For Respondents ... Mr.G.Ameedius  
Government Advocate



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## ORDER

Heard Mr.K.Venkataramani, the learned Senior Counsel, for the petitioner and Mr.G.Ameedius, the learned Government Advocate, for the respondents.

2.The petitioner has filed this Writ Petition challenging the order of the fifth respondent in Na.Ka.No.2622/H2/2016 dated 13.02.2017 and to direct the second and fourth respondents to implement the consequential order passed by the third respondent in his Na.Ka.No.68189/PhD-7/A3/2016 dated 14.12.2018 and to reinstate the petitioner into service and grant her all consequential service and monetary benefits.

3. The petitioner has been terminated from service without notice by stating that she had produced a bogus certificate showing that she had passed 8<sup>th</sup> Standard. In fact, the petitioner studied and discontinued 8<sup>th</sup> Standard Course. However, the qualification for the post is 8<sup>th</sup> standard pass.



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4. Mr.K.Venkataramani, the learned Senior Counsel for the petitioner, attracted the attention of this Court to the letter of the District Educational Officer, Coonoor in Na.Ka.No.1930/C4/2018, dated 04.04.2018, confirming the genuinity of the Transfer Certificate produced by the petitioner; consequently the Joint Director of Health, Nilgiris District, by an order dated 04.06.2018, directed to reinstate the petitioner into service; however, the petitioner was not reinstated into service; hence the present writ petition has been filed.

5. Mr.Ameedius, the learned Government Advocate, for the respondent filed a detailed counter, wherein it has been stated as under:

*“7. With reference to the averments made in Para 10, it is submitted that, after ratifying the Transfer Certificate issued to the petitioner vide letter R.No. 1930/S4/2018, dated 04.04.2018 of the District Educational Officer, Coonoor, the petitioner has submitted her representation to the Deputy Director of the Health Services, Udthagamandalam and the same has been forwarded to the Director of Public Health and Preventive Medicine. After further examination, it is found that the petitioner is appointed on contract basis in daily wages and absorbed to regular time scale of the pay as per G.O.340, health and Family Welfare Department, dated 02.12.2010, which is not connected to the Department of Public Health and Preventive Medicine.*



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8. Hence, the representation and Service Register of the Petitioner has been forwarded to the Director of Medical and Rural Health Services so as to consider the request of the petitioner to reinstate her into service vide letter R.No.68169/PHC-7/A3/2016, dated 14.12.2018 of the Director of Public Health and Preventive Medicine. “

6. In pursuant to the proceedings of the District Educational Officer, Coonoor dated 04.04.2018, the certificate produced by the petitioner is found to be genuine and hence the cancellation of the said certificate has been revoked and the certificate got restored. In that case, the reason for terminating the petitioner on 13.02.2017 has to be a reconsideration.

7. It is submitted by the learned Government Advocate for the respondent, that the petitioner is only a contractual worker on daily wages but however she was absorbed on regular time scale of pay under G.O. No.340, Health and Family Welfare Department, dated 02.12.2010.

8. Since the reason for terminating the petitioner's services is now proved to be incorrect, I feel the impugned order is liable to be quashed and a direction should be given to the respondents to reinstate the



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petitioner.

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9. Accordingly, this Writ Petition is allowed and the impugned order passed by the fifth respondent in Na.Ka.No.2622/H2/2016 dated 13.02.2017 is hereby quashed and the respondents are directed to reinstate the petitioner within a period of three weeks from the date of receipt of a copy of this order, however without back wages but with continuity of services and all other attendant benefits. No costs. Connected miscellaneous petitions are closed.

**27.02.2024**

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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To:

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1. The Secretary,  
Union of India,  
Department of Personnel and Training,  
Lok Nayak Bhavan,  
New Delhi.
2. The Chairman,  
Staff Selection Commission,  
Block No.12, CGO Complex,  
Lodhi Road, New Delhi – 110 003.
3. The Regional Director,  
Staff Selection Commission,  
Southern Region, EVK,  
Sampath Building, Chennai.



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**R.N.MANJULA ,J.**

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