



W.P.No.17560 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM

THE HON'BLE **MR.JUSTICE BATTU DEVANAND**

W.P.No.17560 of 2017

and

WMP.No.19058 of 2017

P.Dhanalakshmi

...Petitioner

Vs.

1. The Personal Assistant to the District Collector,
(Noon Meal), Collectorate,
Thiruvannamalai,
Thiruvannamalai District.

2. Muniyammal

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in her proceeding Na.Ka.No.8512/2016/NMS-1, dated 08.06.2017 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.S.M.Hasem Fazal, AGP, for R1
: Mr.Pa.Kadirvel, for R2



W.P.No.17560 of 2017

WEB COPY

ORDER

This Writ petition has been filed against the proceedings issued by the 1st respondent in Na.Ka.No.8512/2016/NMS-1 on 08.06.2017, wherein, the appointment of the petitioner as Noon Meal Organizer has been cancelled.

2. Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the 1st respondent as well as the learned counsel appearing for the 2nd respondent.

3. The learned counsel for the petitioner submits that the 1st respondent has called for applications for filling the post of Assistant Cook in the Noon Meal Centre at Thiruvannamalai District for Krishnapuram School. The petitioner applied for that post and she was called for interview on 18.04.2014. The petitioner appeared for interview on the said date and the 1st respondent issued appointment order dated 20.04.2017, appointing the petitioner as Assistant cook and accordingly, the petitioner joined duty on 19.05.2017.



W.P.No.17560 of 2017

4. The learned counsel for the petitioner further submits that, due to political reasons, the 1st respondent passed order dated 08.06.2017, cancelling the appointment of the petitioner as Assistant Cook. The learned counsel further submits that the 1st respondent, without giving any notice to the petitioner, cancelled the appointment of the petitioner on the ground that the members of the petitioner's family are having own land. The learned counsel further submits that the family of the petitioner consists of the petitioner, her husband and her child and they are living separately and they are having separate ration cards. As the petitioner and her husband married, after they fell into love with each other, both of their parents have thrown them out of the family after marriage. The learned counsel further submits that, when the petitioners are not in contact with their parents, if the father-in-law of the petitioner is having any land, it will not come in the way to appoint the petitioner as Assistant cook. Accordingly, he sought to allow the writ petition.

5. On the other hand, the learned Additional Government Pleader appearing for the 1st respondent contends that the 1st respondent received a



W.P.No.17560 of 2017

complaint. On enquiry, it was found that the petitioner's family is having land. For suppressing the said fact, the 1st respondent had passed the impugned order cancelling the appointment of the petitioner, after following due process of law.

6. A perusal of the order impugned in this Writ petition, it appears that no notice was issued to the petitioner before passing the impugned order. In the impugned order, it is also not mentioned what is the basis for complaint and whether enquiry was conducted after issuing notice to the petitioner or not. It is clear that, no enquiry report was furnished to the petitioner or no notice is issued before passing the impugned order, which is against to the principles of natural justice.

7. For the reasons stated above, this Court has no hesitation to hold that the order impugned in this writ petition is passed against the principles of natural justice and it would not sustain in the eye of law, as such, it is liable to be quashed.



W.P.No.17560 of 2017

8. Accordingly, this Writ petition is allowed and the order impugned in this Writ petition is quashed. If any consequential orders passed by the 1st respondent after impugned proceedings, the same shall stand quashed.

9. In view of the above orders, connected Miscellaneous petition is closed. There shall be no order as to costs.

20.03.2024

skt

Index : Yes/No
NCC : Yes/No
Speaking order : Yes/No

To
The Personal Assistant to the District Collector,
(Noon Meal), Collectorate,
Thiruvannamalai,
Thiruvannamalai District.



WEB COPY



W.P.No.17560 of 2017

BATTU DEVANAND, J.

skt

W.P.No.17560 of 2017
and
WMP.No.19058 of 2017

20.03.2024