



WEB COPY



W.P.No.34403 of 2019

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 29.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.No.34403 of 2019
and
WMP.No.35076 of 2019

E.Prabhu

...
Vs

Petitioner

1.The District Collector,
Villupuram.

2.The Sub Collector,
Kallakurichi.

3.The Tahsildar,
Kallakurichi.

...

Respondents

PRAYER: The writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the third respondent vide Na.Ka.No.A3/2576/2019 dated 18.11.2019 and to quash the same and consequently, direct the third respondent to reinstate the petitioner with continuity in service.

For Petitioner

...

Mr.C.Alagu Bhavani
for Mr.K.Suthan

For Respondents

...

Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

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2.The case of the petitioner is that the name of the petitioner was sponsored by District Employment Exchange at Villupuram, in response to the request of the third respondent for appointment of Village Assistant in and around the villages of Kallakurichi Taluk. Consequently, the third respondent vide proceedings in Na.Ka.No.A3/2576/2019 dated 02.08.2019 called the petitioner to appear for an interview on 09.08.2019. The petitioner attended the interview and basing on the petitioner's performance in the interview held on 09.08.2019, the petitioner was appointed as Village Assistant, Malaikottalam Village, Kallakurichi Taluk, vide appointment order in Na.Ka.A3/2556/2019 dated 11.09.2019. The petitioner had joined the said post as Village Assistant in Malaikottalam Village on 11.09.2019 and reported to the Revenue Inspector of the concerned Village. Ever since he has been discharging



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his duties as Village Assistant with effect from 11.09.2019. After two months, the third respondent vide proceedings in Na.Ka.No.A3/2576/2019 dated 18.11.2019 cancelled the appointment of the petitioner as Village Assistant of Malaikottalam Village, Kallakurichi Taluk and ordered to relieve the petitioner from the service with effect from 17.11.2019 afternoon. The said proceedings are under challenge in the present writ petition.

3.The learned counsel appearing for the petitioner would submit that the proceedings dated 18.11.2019 issued by the third respondent, without issuing any show cause notice to the petitioner calling for his explanation or putting the petitioner on notice or without conducting any enquiry or providing any opportunity to the petitioner, behind the back of the petitioner, the order impugned in this writ petition is passed, which is against the principles of natural justice and seeks to allow the writ petition by setting aside the impugned proceedings.



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4. On behalf of the respondents, a counter affidavit has been filed.

Though several contentions are made in the counter affidavit, there is no mention in the counter affidavit to say that any opportunity was provided to the petitioner by issuing notice before passing the impugned order.

5. The learned Additional Government Pleader appearing for the respondents submits that the contention of the petitioner that he was sponsored by District Employment Exchange is not proved. Further, he contends that the then Thasildhar, who appointed the petitioner and some others as Village Assistants, had committed several irregularities and due to that reason, several complaints were received against the said appointment and accordingly, the third respondent cancelled the appointment of the petitioner as Village Assistant, as such the order of the third respondent dated 18.11.2019 is issued. Accordingly, he prays to dismiss the writ petition.

6. Heard the learned counsel appearing for the petitioner and the



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learned Additional Government Pleader appearing for the respondents and carefully examined the materials available on record and this Court gave serious consideration to the submissions of the respective counsel.

7. On bare perusal of the proceedings impugned in this writ petition, it is clear that basing on the recommendation of the second respondent, the third respondent issued impugned proceedings cancelling the appointment of the petitioner as Village Assistant. Nowhere in the impugned proceedings, it is stated that opportunity was provided to the petitioner to put forth his case or the petitioner was put on notice by the third respondent before issuing cancellation order.

8. The Apex Court and this Court had time and again declared that any order passed without putting on notice the aggrieved person, would be treated as issued in violation of principles of natural justice.

9. In the considered opinion of this Court, the impugned order is



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passed against the principles of natural justice and as such it is unsustainable and untenable in the eye of law.

10. Accordingly, the writ petition is allowed and the order impugned in this writ petition Na.Ka.No.A3/2576/2019 dated 18.11.2019 issued by the third respondent is hereby quashed.

11. Consequently, the respondents are directed to reinstate the petitioner into the service forthwith.

12. No costs.

13. Consequently, the connected miscellaneous petition is closed.

Internet: Yes/No
Index: Yes/No
sms

29.11.2024

To

1. The District Collector,
Villupuram.



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2.The Sub Collector,
Kallakurichi.

3.The Tahsildar,
Kallakurichi.

BATTU DEVANAND,J.

sms



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