



W.A.(MD) No.481 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

W.A.(MD) No.481 of 2018
and
C.M.P.(MD).No.2888 of 2018

Mahalakshmi

... Appellant / Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by
the Principal Secretary,
Department of Higher Education,
Fort.St.George,
Chennai.
2. The Vice Chancellor,
Anna University,
Guindy, Chennai.
3. The District Collector,
Office of the District Collector,
Dindigul District.



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4. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.

5. The Principal,
Anna University College of Engineering,
Dindigul District-624 622.

6. Chitraiselvi,
The Principal,
Anna University College of Engineering,
Dindigul District-624 622. ... Respondent / Respondent

Prayer: Appeal filed under Clause 15 of Letters Patent Act to allow the Writ Appeal and Set-aside the order passed in W.P.(MD).No.15044 of 2017, dated 10.01.2018 on the file of this Court.

For Appellant : Mr.Karthik
for M/s.T.Lajapathi Roy Associates

For R-1, R-3 &
R-4 : Mr.D.Sadig Raja

For R-2 & R-5 : Mr.John Rajadurai

For R-6 : No Appearance

J U D G M E N T

(Judgment of the Court was delivered by **N.SESHASAYEE, J.**)

This Writ Appeal is preferred challenging an order of the learned Single Judge dismissing W.P.(MD).No.15044 of 2017 vide order dated 10.01.2018



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in which the appellant herein has required the respondent Nos.1 and 2 to initiate certain disciplinary action against the sixth respondent and also to regularize her service as well as the service of her husband.

2. The short question is that both the appellant and her husband were working on daily wages as a Scavenger / Sweeper in the fifth respondent College, of which, the sixth respondent was a Principal at the relevant time. According to the petitioner, the sixth respondent with a *mala fide* intention had terminated her service as well as the service of her husband. She alleged that the sixth respondent had made certain abusive statement with reference to the appellant's caste and also organized a group along with the other Scavengers / Sweepers and that they were forced to do certain work which contravenes the Prohibition of Employment as Manual Scavengers and Rehabilitation Act, 2013.

3. In response, the sixth respondent, the Principal of the College had filed a counter, wherein, she had detailed that both the petitioner and her husband were on daily wages, that they would be shuffled to do their work in different



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parts of the College and when the Supervisor concerned required the appellant / petitioner to discharge her duties in the office of the Dean of the College, the latter refused, and when it was informed to her, she found that the appellant was physically indisposed and therefore, she had asked the appellant to get fit before joining. However, the appellant had approached the District Collector along with other Scavengers and made false allegations against her. In particular, she has pleaded that she belonged to the same community as the appellant and hence, there is hardly any need or possibility for her to abuse the appellant with reference to her caste.

4. After a careful consideration of rival contentions, the learned Single Judge was least impressed with the contentions of the appellant and dismissing the petition but not before slapping a cost of Rs.25,000/- (Rupees Twenty Five Thousand only) on the appellant / petitioner. This is under challenge.

5. Heard the learned counsel on either side.



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6. After careful rival submissions and on perusal of records, this Court does not find that the line of reasoning of the learned Single Judge calls for an interference by this Court. Hence, this Court confirms the conclusion arrived by the learned Single Judge *vis-a-vis* the cause of action presented before him. Turning to the cost imposed on the appellant in the order of the learned Single Judge is concerned, this Court does not want to penalize the appellant for her ambitious overreach. It might be that she might have been wrongly guided.

7. To conclude, this Writ Appeal is partly allowed and the order of the learned Single Judge is modified only to the extent of setting aside a direction to pay a cost of Rs.25,000/- (Rupees Twenty Five Thousand only) and as to the rest, the order of the learned Single Judge is hereby confirmed. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.)

(P.V.M., J.)

24.04.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To
The Commissioner,
Madurai Corporation,
Madurai.



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and
P.VADAMALAI, J.

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