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W.A.No. 332 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 332 of 2024

C.Sujatha

... Appellant

Vs.

- 1.Government of Tamil Nadu,
Rep. by the Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Survey and Settlement,
Chepauk, Chennai ~ 600 005.
- 3.The Additional Director of Survey and Settlement,
Chepauk, Chennai ~ 600 005.
- 4.The Assistant Director of Survey and Settlement,
Dharmapuri.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 08.07.2022 made in W.P.No.4501 of 2015.

For Appellant : Mr.Sushil Rajkumar J.

For Respondents : Mr.P.Ananda Kumar
Government Advocate



J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Issue involved in this appeal is squarely covered by a decision of a

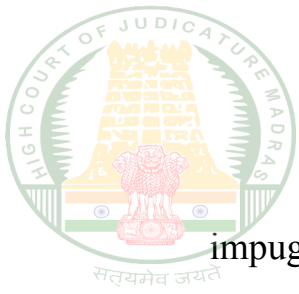
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Division Bench of this Court in ***J.Ravichandran Vs. The State of Tamil***

Nadu and Another made in ***W.A.No.17 of 2016*** dated ***17.04.2017***.

2. The appellant, who was appointed on compassionate grounds was sought to be terminated from service on the ground she has not passed the departmental test. The said order was subject to challenge in the writ petition. The writ Court dismissed the writ petition.

3. It is brought to our notice that the said order of the writ Court is against the dictum of the Hon'ble Supreme Court in ***Brijesh Vipin Chandra Shah Vs. State of Gujarat & Others*** reported in ***2013 (2) SC 7*** as well as the dictum of a Division Bench of this Court in ***J.Ravichandran Vs. The State of Tamil Nadu and Another*** made in ***W.A.No.17 of 2016*** dated ***17.04.2017***. One of us (sitting single) had also followed the judgments in ***Brijesh Vipin Chandra Shah Vs. State of Gujarat & Others*** and ***J.Ravichandran Vs. The State of Tamil Nadu and Another*** in W.P.(MD).No.8681 of 2016 dated 19.12.2018.



4. In view of the same, this Writ Appeal stands **allowed**, the order impugned in the writ petition is set aside. The respondents will re-employ the appellant in the same post as she was holding at the time of the dismissal, of course, without any back wages but, she will have continuity of service and other service benefits for the purposes of promotion and pension. No costs.

(R.S.M., J.) (G.A.M., J.)
09.04.2025

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Index: No
Speaking order
Neutral Citation : No

To:-

- 1.The Secretary to Government,
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- 3.The Additional Director of Survey and Settlement,
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R.SUBRAMANIAN, J.
and
G. ARUL MURUGAN, J.

KKN

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