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W.A.No.777 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.777 of 2025

and

C.M.P.No.6698 of 2025

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Block Development Officer,
Kaveripattinam Union,
Kaveripattinam,
Krishnagiri District.

... Appellants

Vs.

1.S.Salammal

2.The Chairman,
Kaveripattinam Panchayat Union,
Kaveripattinam,
Krishnagiri.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order 22.03.2024 made in W.P.No.11017 of 2012 allow this Writ Appeal.



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For 1st Appellant : Mr.T.Chandrasekaran,

Special Government Pleader

For 2nd Appellant : Mr.P.Kumaresan,

Additional Advocate General

Assisted by Mrs.V.Yamuna Devi,

Special Government Pleader

For Respondents : Mr.C.Mahendran for R1

J U D G M E N T

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

Challenge in this Writ Appeal is to the order dated 22.03.2024 made in W.P.No.11017 of 2012.

2. The 1st respondent herein challenged the orders dated 21.01.2012 and 28.03.2012, in and by which, the salaries were withheld. The 1st respondent claimed that she was appointed as a cook in noon meal centre in Government High School at S.Ramapuram on 23.08.2007 as per the approval granted by the District Collector, Krishnagiri on 26.06.2007 and she continued in service. All of a sudden her salaries were stopped. Therefore, she approached this Court and this Court had granted an interim direction to pay her the salaries and on the strength of the interim direction she is continuing as of today. Though an



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order of dismissal from service was prepared on 13.09.2012, it is admitted that, the same was not served on the 1st respondent herein. On the strength of the said appointment order dated 23.08.2007 issued by the then Block Development Officer, Kaveripattinam Union the 1st respondent claimed that she has been working continuously and therefore she is entitled to salary.

3. In the counter affidavit filed in the writ petition it was contended that the appointment was made by the Block Development Officer who had no authority to make such appointment. It is only the Personnel Assistant (General) of the District Collector who is the appointing authority. Reliance was also placed on the observation of the Division Bench made in W.A.No.657 of 2019, wherein, this Court had directed the District Collector to call for the recommendation from the Block Development Officer for filling up the post of cooks and noon meal assistants and after perusing the same pass reasoned orders in accordance with law.

4. Finding that the orders that have been impugned in the writ petition are not consistent with the directions of the Division Bench we had required the learned Additional Advocate General to produce the original files relating to this appointment.



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5. On a perusal of the files we find skeletons tumbling out of the cupboard. A perusal of the original file shows that the 1st respondent never applied for the post of noon meal assistant/ cook at the Government High School S.Ramapuram. In the list of sanctioned vacancies of noon meal assistants/ cooks the vacancy in the Government High School, S.Ramapuram does not find a place. It is seen from the proceedings that the applications were invited some time in February 2007 and interviews were conducted in March 2007 and list of candidates was submitted to the Collector in June 2007 and same was approved by the Collector on 26.06.2007. In none of these lists does the name of the respondent or the school to which she was appointed finds a place.

6. The original file that has been produced before us shows that the 1st respondent's application for being appointed as a cook/ assistant in an Anganvady Centre at the second ward of Keveripattinam dated 24.04.2007 after the date of the interview for the posts of cook /noon meal assistant in government schools. It was altered and made to appear as if it is an application



for appointment of cook/ Noon meal assistant at Government High School

S.Ramapuram. The date of the application was altered as 20.08.2007. The appointment order was issued on 23.08.2007 citing the approval granted by the Collector on 26.06.2007. On 26.06.2007 there was no application of the 1st respondent pending with the Block Development Officer. On an application purportedly dated 20.08.2007 the appointment order has been issued on 23.08.2007 referring the approval granted by the Collector as early as on 26.06.2007. Therefore, it turns out that the entire appointment of the 1st respondent is fraudulent and it has been manipulated.

7. These facts were not brought to the notice of the learned Single Judge. Unfortunately even in the counter affidavit filed before the learned Single Judge the fact that the vacancy in the school to which the 1st respondent was appointed was not even notified was not placed on record. In any event we cannot turn a nelson's eye when the entire records are produced before us. We find that the entire appointment is bogus and it has been based upon created records.

8. We are therefore unable to sustain the order of the learned Single Judge. The order of the learned Single Judge is set aside. The writ petition will



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stand dismissed. It is stated that the 1st respondent has been working by virtue of the protection granted during the pendency of the writ petition and by virtue of the order passed in the writ petition and she has been paid salaries. We make it clear that no recovery shall be made. We also direct the District Collector the terminate her services forthwith.

9. This Writ Appeal is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

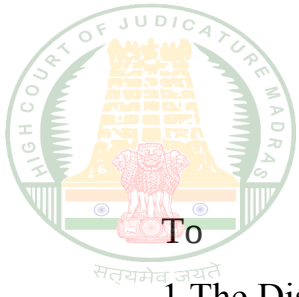
(R.S.M.,J.) (G.A.M.,J.)
07.04.2025

dsa

Index : No

Neutral Citation : No

Speaking order



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To

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Chairman,
Kaveripattinam Panchayat Union,
Kaveripattinam,
Krishnagiri.
- 3.The Block Development Officer,
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