



WEB COPY

WP No. 24165 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 24165 of 2025

J.Sreerekha

Petitioner(s)

Vs

1. The Government Of Tamilnadu,
Rep. By Its Principal Secretary,
Department Of Health And Family Welfare,
Secretariat, Fort St. George, Chennai-09.

2.The Director,
Directorate Of Medical And Rural Health
Services, DMS Compound,
Teynampet, Chennai-06.

3.The Director,
Directorate Of Medical Education And
Research, DMS Compound,
Teynampet, Chennai-06.

4.The Dean,
Coimbatore Medical College,
Avinashi Road, Peelamedu,
Civil Aerodrome Post,
Coimbatore- 641 018.

Respondent(s)

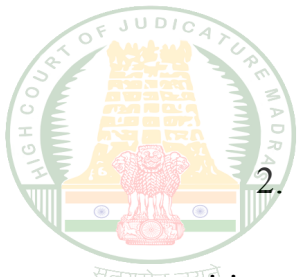


PRAYER: This writ petition has been filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, Calling for the records relating the order dated 04.02.2025 bearing ref. no. 21033 /N1/ 2/ 2018-16 passed by the 2nd respondent Director terminating the petitioners service for unauthorised absence w.e.f. 07.05.2023 and consequential order dt .05.03.2025 bearing ref. Na.Ka. No. 9491/Ni2/ 2023 passed by the 4th respondent college Communicating the termination order passed by the 2nd respondent and to quash both orders as being illegal, arbitrary , unlawful and for a consequential directions to the Respondents to reinstate the petitioner in service with back wage, continuity of service, Promotion and all other benefits as granted to other similarly placed employees and to regularise her service in the post of staff Nurse on the strength of the order dated 13.11.2024 passed by the 2nd respondent and to treat the leave period from 01.05.2023 to 04.09.2023 as one of earned leave or medical leave.

For Petitioner(s): MR. V. Govardhanan
FOR M/S. Row and Reddy
For Respondent(s): Mr.K.Tippu Sulthan
Government Advocate

ORDER

The impugned order dated 04.02.2025 was passed terminating the petitioner from service.



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2. The learned counsel for the petitioner would further submit that the petitioner was appointed as Nurse on a temporary basis. Initially, she was posted at Government Hospital, Komarapalayam, Namakkal District. Subsequently, on 05.03.2019, the petitioner was transferred to Coimbatore Medical College Hospital, Coimbatore District. He would further submit that due to some personal issues, the petitioner could not attend her duty from 07.05.2023. Thereafter, she reported for work; however, due to her absence, she was not permitted to join her duty.

2.1. It is the submission of the learned counsel that on 13.11.2024, the second respondent issued an order to regularise and absorb her as a staff Nurse who was recruited through Medical Recruitment Board on a contract basis and completed her service on consolidated pay basis for not less than two years. In this connection, the petitioner has sent a representation to the second respondent to condone the period of absence and to regularise her service; however, there was no response. He would further submit that on 04.02.2025, the second respondent passed an order terminating the petitioner's service with effect from



07.05.2023 on account of unauthorised absence without any charge memo or enquiry proceedings. On 05.03.2025, the fourth respondent College passed a consequential order communicating the termination order passed by the second respondent. Hence, he prayed to interfere with the impugned orders.

3. At this juncture, the learned Government Advocate, on instructions, would submit that since the petitioner was unauthorizedly absent from 07.05.2023, they did not know about the whereabouts of the petitioner, and hence, notice was affixed in the Hospital. Therefore, the same has to be construed as effective service of notice. Hence, he prayed to dismiss the instant Writ Petition.

4. I have given my anxious consideration to the submissions made by either side.

5. From the submission of the learned Government Advocate, it is amply clear that no notice was served on the petitioner. Apart from that, there is no



proof submitted before the Court as to the affixture of notice against the petitioner.

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6. In such view of the matter, it is apparently clear that the principles of natural justice have not been followed in this matter. Accordingly, the impugned orders dated 04.02.2025 and 05.03.2025 are hereby quashed. The matter is remanded back to the second respondent to proceed against the petitioner in accordance with law.

7. In the result, this Writ Petition is allowed. No costs.

08-07-2025

rli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal Secretary,
Department Of Health And Family
Welfare, Secretariat, Fort St. George,
Chennai-09.



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C.KUMARAPPAN,J.

rli

2.The Director

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Health Services, Dms Compound,
Teynampet, Chennai-06.

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