

# THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 04.03.2025**

**CORAM:**

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

**W.A.No.629 of 2025  
and  
C.M.P.No.5050 of 2025**

- 1.The Government of Tamil Nadu,  
Rep. by its Secretary,  
Higher Education Department,  
Chennai - 9.
  - 2.The Director,  
Directorate of Collegiate Education,  
9<sup>th</sup> Floor, E.V.K.Sambath Maligai,  
DPI Campus, College Road,  
Nungambakkam, Chennai - 8.
  - 3.The Principal,  
Government Arts College for men (Autonomous),  
Nandhanam, Chennai - 35. ...
- Appellants /  
Respondents
- versus**
- S.Selvi ...
- Respondent /  
Petitioner

**Prayer:** Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.15201 of 2021 dated 20.03.2024.

For Appellants : Mr.D.Ravichander  
Special Government Pleader



For Respondent : Mr.V.Prakash  
Senior Counsel  
for Mr.K.Krishnamoorthy

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**J U D G M E N T**

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

The appeal is by the employer. The respondent was appointed as Lab Assistant in the third appellant College on 27.08.2008 and she assumed charge on 02.09.2008. During the year 2010, the third appellant required the respondent to disclose certain details as to whether she was married, date of marriage, name of the husband and other details, if any. Upon receipt of the said communication, the respondent gave a reply on 19.04.2010 disclosing the fact that she was married on 01.06.2005, the marriage is also registered and her husband's name is P.Radhakrishnan. Thereafter, no action was taken and she continued to work for nearly 7 years.

2. By a communication dated 27.11.2017, the first appellant had written to the Commissionerate of Employment and Training, Guindy, requiring details about the registration of the respondent and the category under which she was sponsored. To this, a reply was sent by the Commissioner on 12.07.2019 stating that she was sponsored under the category of destitute widow and the registration in employment as destitute

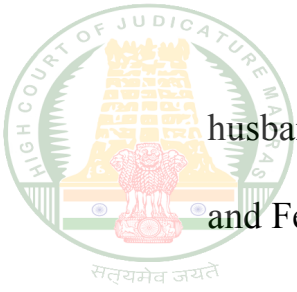


widow alone will be recorded and loss of that status by virtue of a subsequent marriage will be recorded only if the Employment Exchange is informed about it.

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3. It is the contention of the respondent that she had informed Employment Exchange about the subsequent marriage on 11.12.2007 and the same is disputed. In the given circumstances, we do not think that it is necessary for us to go into that question. Since her salary was stopped abruptly, she had made representations seeking payment of salary. To this, a response was sent on 05.07.2021 stating that since her services have not been regularised in view of the letter of the Director of Collegiate Education dated 17.04.2021, her salary cannot be disbursed. It was this order that was subject to challenge in the writ petition.

4. The claim of the respondent in the writ petition was resisted by the appellants, contending that the respondent was appointed under the quota for a destitute widow upon being sponsored by the Employment Exchange under the said category. Since certain complaint was received, a notice was issued to her on 15.04.2010 requiring to disclose her marital status and she had replied stating that she got remarried and details of her

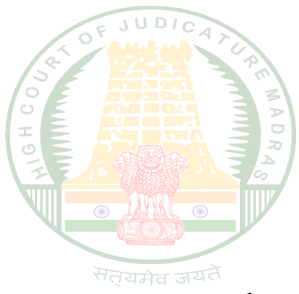


husband were also furnished. But no action was taken between 19.04.2010 and February 2019.

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5. Since the respondent was sponsored under the destitute widow category by the Employment Exchange and it was found that she had remarried, her services were not regularised. She was also accused of having procured employment by suppressing information regarding her remarriage. The writ court had found that the respondent was never informed that she was appointed under the destitute widow category. The appointment order also did not disclose that she was appointed under the destitute widow category. Unless she had knowledge of the fact that she was appointed under a particular category, she cannot be accused of suppressing information. On the said finding, the writ court allowed the writ petition directing the payment of salary. The writ court also held that her services should be regularised treating this as a special case. It is this order of the writ court that was the subject matter of challenge in this appeal.

6. We have heard Mr.D.Ravichander, learned Special Government Pleader appearing for the appellants and Mr.V.Prakash, learned Senior Counsel, instructed by Mr.K.Krishnamoorthy, appearing for the respondent.



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7. Mr.D.Ravichander, learned Special Government Pleader would vehemently contend that once it is shown that the respondent was appointed under a particular category and it is later revealed that she did not belong to that category, her appointment is bound to be cancelled and therefore, the appellants cannot be faulted for having passed the order impugned in the writ petition.

8. Learned Special Government Pleader would draw our attention to the judgment of the Hon'ble Supreme Court in *Union of India Vs. M.Bhaskaran* reported in *1995 Supp (4) SCC 100*, wherein it was held that persons who snatched employment by producing bogus casual labourer service cards cannot be regularised and such fraudulently obtained appointment orders could be legitimately treated as voidable.

9. On the contrary, Mr.V.Prakash, learned Senior Counsel appearing for the respondent would submit that once it is found that the respondent was not aware of the fact that she was sponsored under a particular category, even after getting the information from her regarding her marriage even in the year 2010, the appellants did not choose to take



any action until 2021 and she continued to work for more than 11 years that post itself. Therefore, not regularising the services of the respondent after she had served for almost 15 years will be very harsh and will also amount to mockery of justice.

**10.** We have considered the rival submissions.

**11.** The entire documents have been produced before us. The respondent is shown to have registered with the Employment Exchange on 07.08.1997 and an endorsement to the effect that she belongs to a destitute widow category had been made on 18.09.2001. There is also an endorsement dated 11.12.2007, the meaning of which is not discernible from the said endorsement. According to Mr.V.Prakash, learned Senior Counsel, the endorsement relates to the information regarding marriage. We do not think that we must go into that question for the purposes of this case.

**12.** The third respondent college had addressed a letter to the District Employment Officer on 28.07.2008, calling for the list of eligible persons being appointed as Lab Assistants in the said College. The Employment Exchange has responded on 09.08.2008 sponsoring the



candidates and a copy of the said letter shows that the respondent has been sponsored under the destitute widow category.

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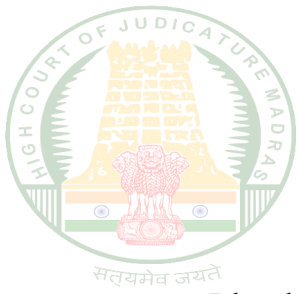
13. Out of 5 persons sponsored under the category, no one else except the respondent appeared for the interview and the respondent was selected. An appointment order was issued on 27.08.2008. Curiously, the appointment order does not show that the respondent has been selected and appointed under the destitute widow category. Therefore, at no point of time prior to her appointment she was informed about the fact that she was selected and appointed under the destitute widow category. A copy of her service register has also been produced. We find an endorsement made by the Bursar of the College on 29.10.2008 to the effect that the respondent has undergone an intercaste marriage, in Tamil, it is stated that “கலப்புத் திருமணம் செய்து கொண்டவர்”. Therefore, even as on 29.10.2008, the third appellant College was aware of the fact that the respondent had undergone an intercaste marriage. Thereafter, in 2010, based on certain anonymous complaints, the third appellant sought for clarifications from the respondent regarding her marital status. She had disclosed the details of date of marriage as well as her husband's name. Despite that, no action was taken and she has been making requests for regularisation of her services.



**14.** It is seen from the papers that have been placed before us that the communications went up and down between the office of the Director of Collegiate Education and the office of the Principal of the third appellant College. Eventually, on 05.07.2021, the order impugned in the writ petition came to be passed. No doubt, the documents disclose that the respondent was appointed under a destitute widow category. But she cannot be faulted for non-disclosure of information because it is not shown that she knew that she had been appointed under that category.

**15.** On the contrary, the documents do demonstrate that the appointing authority was aware of the fact that she got remarried even in October 2008. No action was taken. She had served the College right from the date of her appointment in 2008 till date, i.e., for over 17 years. We do not think that we will be justified in permitting the College to not regularise her services or send her out of employment at this distant point of time.

**16.** Unless it is shown that the respondent had wilfully suppressed certain material and had obtained the employment, the respondent cannot be penalised for the mistake of the College or the Employment Exchange in not disclosing to her that she has been sponsored under a particular category.



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17. The judgment relied upon by the learned Special Government Pleader may not apply to the facts of the present case, since it deals with the case where employment was obtained by producing forged document or fraudulently obtained document, that is not the case here. The respondent had no occasion to make any false statement before the authorities concerned, since she did not herself know that she was sponsored under a special category. We are therefore unable to fault the writ court for having allowed the writ petition.

18. The Writ Appeal fails and it is accordingly ***dismissed***. The appellants are directed to comply with the orders of the writ court within a period of twelve (12) weeks from today. No costs. Consequently, the connected Miscellaneous Petition is closed.

(R.S.M., J.) (G.A.M., J.)  
04.03.2025

Speaking order  
Index : No  
Neutral Citation : No

**Note : Upload Order Copy on 10.03.2025**

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W.A.No.629 of 2025



**R.SUBRAMANIAN, J.**  
**and**  
**G.ARUL MURUGAN, J.**

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Higher Education Department,  
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