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WP No. 8527 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 8527 of 2024

A.Priya
W/o.S.Radhakrishnan,
No.98,Nehru Nagar,
Puliyanthoppu
Chennai- 600 012.

..Petitioner

Vs

The Principal Secretary / Vice Chairman
Science City,
Department of Higher Education,
Gandhimandapam Road
Planetarium Campus
Chennai-600 025.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of the respondent proceedings Se.Mu.Na.Ka. No.062/ 2003 dated 03.01.2024 and quash the above proceedings and to direct the respondent to reinstate the petitioner with full backwages and all consequential and attendant benefits and pass orders.

For Petitioner:

Mr.K.Rangesh

For Respondents:

Mr.Tippu Sultan
Government Advocate



ORDER

The writ petition has been filed for a Certiorarified Mandamus to quash the impugned proceedings of the respondent dated 03.01.2024 in Se.Mu.Na.Ka.No.062/2003 and to direct the respondent to reinstate the petitioner into service with backwages and all consequential and attendant benefits.

2. The petitioner was appointed as Office Assistant cum Driver on a consolidated pay basis, by the office of the respondent, whose candidature was sponsored by the Employment Exchange. Her services was regularised with effect from 01.04.1999, vide proceedings of the respondent dated 04.06.2001. She was placed under probation for a period of two years. Thereafter, the petitioner was retrenched on 03.02.2004, treating her as a surplus staff. The petitioner had challenged the retrenchment by filing a writ petition on the ground that her junior employees remained in service while the petitioner was let go.

3. Pending the writ petition, the petitioner was offered reinstatement by the respondent on the condition of withdrawing the writ petition filed by her against the respondent and also that no salary would be paid to her during the retrenchment period. Subsequent to her reinstatement, the petitioner post was redesignated as Office Assistant, as she had failed in the driving test conducted



by the respondent. On 21.06.2011, the petitioner was paid her salary arrears from the date of retrenchment to the date of reinstatement. Subsequently, the petitioner was promoted as Senior Officer Assistant.

4. While so, the petitioner having served continuously for a period of ten years and possessing the required educational qualification, had submitted her representations to the respondent on 29.12.2012 and 07.06.2013, requesting to consider her candidature for the post of Junior Assistant. Since the representations were not considered by the respondent, she filed W.P.No.570 of 2014 and obtained an order from this Court. However, the respondents failed to pass an order on her representation despite orders of this Court.

5. The petitioner would contend that though she was designated as Office Assistant, she was required to perform the work of a Dispatch Clerk. In the meantime, the petitioner was diagnosed with thyroid cancer and was under treatment. On account of her health condition, the petitioner had requested the respondent to transfer her from respondent-Science City to Higher Education Department or any other Department, by his representation dated 11.07.2022. However, the respondent did not show any response to it. Therefore, the petitioner yet again approached this Court in W.P.No.32982 of 2022 and obtained an order, despite which, her request was not attended to by the respondent, instead, a charge memo under Rule 17-B of the Tamil Nadu Government Service Rules (Discipline and Appeals) was issued to her on



06.03.2023, alleging that the petitioner had obtained the post of Office Assistant in contravention to the Government Rules. The petitioner had submitted her explanations to the charge memo on 17.03.2023 itself.

6. Subsequently, a domestic enquiry was ordered by the respondent on 19.05.2023 and an Enquiry Officer was appointment, who upon enquiry had submitted his report dated 03.10.2023, holding that the charges levelled against the petitioner have not been proved. The respondent was in disagreement with the findings of the enquiry officer, citing certain reasons. The petitioner contends that the reasons provided by the respondent is untenable and hence, she had raised objections vide letter dated 21.10.2023. Thereafter, the respondent without issuing the second show cause notice, has awarded the punishment of dismissal vide impugned order dated 03.01.2024. Aggrieved by the same, the petitioner is before this Court.

7. The respondent had filed the counter affidavit *inter alia* contending that the petitioner was not sponsored by Employment Exchange as alleged by her, as no records of the respondent-Science City would support her version. It is also alleged in the counter that the petitioner had gained appointment through wrongful means and had been appointed in a non-existent post and has not been discharging the duties assigned to her satisfactorily. Further, she has been absenting herself and is not conducive to this office. Hence, they sought for dismissal of the writ petition.



8. Heard the rival submissions and also perused the materials placed on record.

9. In order to appreciate the challenge to the writ petition, a few dates and events would make a useful reading :

<i>Date</i>	<i>Events</i>
16.10.1998	Tmt.C.K.Gariyali, I.A.S., was appointed as Vice-Chairperson of the Science City vide G.O.Rt.No.4159, Pub (Spl)
20.11.1998	Vide G.O.2DNo.129, Hr. Edn., the post of Vice-Chairperson, Science City, is revived from the date of assuming charge i.e., 20.10.1998 and the allowances of Vice-Chairperson be to paid from the funds already available in the Personal Deposit Account of Science City.
18.11.1998	Vice-Chairperson of the Science City requests sanction for minimum staff for administering her Office
15.03,1999	The request of the Vice-Chairperson is acceded to and the Government sanctioned the following posts : (1) Private Secretary : One Post (Section Officer Grade) (2) Personal Clerk : One Post (3) Dafadar : One Post (4) Office Assistants : Three Posts (two for residence and one for office) (5) Driver : One Post The District Employment Officer (TP) Nandanam, Chennai-600 035, directed to sponsor a list of 4 candidates for the post of Dafedar, Office Assistants and Driver. It was stated tat the candidates who qualify in driving can be considered for the post of poen-cum-driver.
30.03.1999	The interview intended for the above 4 persons held at 11.00 a.m., in the office of the Science City. Out of the 4 candidates, 3 persons did not appear except the petitioner. However, one K.R.Mohanambal learnt from



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<i>Date</i>	<i>Events</i>
	the Employment office that there was an interview for the said post and came for interview. However, she failed in the driving test and only Mrs.Priya, the petitioner herein was qualified in the driving test. The Selection Committee consisting of Senior Scientific Officer and Scientific Officer had interviewed the petitioner and found that she could drive but however required practice. The petitioner had also agreed that she would go for driving course for two months at her costs to gain her practice.
01.04.1999	The petitioner was appointed temporarily to act as Office Assistant cum Driver in the scale of pay of Rs.2550-55-2660-60-3200 plus other allowances admissible from time to time and posted to the Science City
04.06.2001	The petitioner's service as Office Assistant cum Driver was regularised with effect from 01.01.1999.
03.02.2004	The petitioner who was appointed temporarily, was relieved from duty with immediate effect.
-	The petitioner has challenged her removal from service by filing a writ petition
07.02.2007	Vice Chairman of the Science City had addressed a letter to the petitioner stating that she would be permitted to rejoin the duty subject to certain conditions that she would withdraw the writ petition filed by her against the respondent and that no salary would be paid to her during her absence in the Science City. The petitioner had accepted to the conditions and had counter-signed the letter on 08.02.2007.
25.06.2008	The petitioner was redesignated as Office Assistant.
31.05.2012	The XVII Executive Committee Meeting of the respondent held in which it was resolved to upgrade two posts of Office Assistant as that of Junior Assistant and one post of Assistant to be created.
29.02.2012 & 07.05.2013	The petitioner having completed 10 years of service as Office Assistant, had made representations to consider her for the post of Junior Assistant.
-	Since the respondents failed to consider her representations, the petitioner filed W.P.No.570 of 2014 seeking a mandamus to the respondent to



Date	Events
	promote/upgrade her to the post of Junior Assistant with effect from 28.07.2008 with all consequential benefits.
09.01.2014	The writ petition in W.P.No.570 of 2014 is disposed of with a direction to the respondent to consider the representations of the petitioner and pass orders.
06.03.2023	Charge memo was issued to the petitioner stating that without having the basic qualification for the alleged posts and without routed through Employment Exchange, the petitioner had obtained the appointment order for the post of Office Assistant cum Driver.
17.03.2023	The petitioner's explanation to the respondent and the same was received by the respondent on 20.03.2023.
03.10.2023	Report of the Enquiry Officer absolving the petitioner of all the charges levelled against her.
10.01.2023	First show cause notice issued to the petitioner for making further representations on the findings of the Enquiry Officer and intimating her that failure to make her submissions within the stipulated time, would lead to the conclusion that the petitioner does not have a reply.
21.01.2023	Reply sent by the petitioner to the show cause notice dated 10.01.2023
03.01.2024	Impugned Order of dismissal from service

10. The charges framed against the petitioner are as follows :

“ Tmt.A.Priya joined as Office Assistant cum Driver in Science City on 01.04.1999 (Ex.P.5). At the time of appointment she was advised to undergo driving course for two more months at her own cost to gain more practice for safe driving (Ex P.2). At the time of appointment she attained the age of 19 years and 3 months. She obtained driving licence on 22.06.1998 (Ex.P.3) which clearly shows that at the time of joining as Office Assistant cum Driver she had experience of driving for only 9 months. It clearly shows that her name was not referred by the



Employment Exchange and she did not have the requisite experience of two years in driving.”

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11. A mere perusal of the records and also the above dates and events would clearly show that the petitioner has been sponsored by the Employment Exchange and after participating in the interview, the petitioner had been posted initially on 01.04.1999 as Office Assistant cum Driver. The Selection Committee has taken note of the fact that the petitioner's driving required improvement and advised her to undergo driving course to gain more practice, and ultimately they short-listed the petitioner for the said post. The petitioner was given the appointment order on 01.04.1999. Subsequently, her services was terminated vide order dated 03.02.2004. Thereafter, the petitioner had challenged the removal by way of a writ and after succeeding in the writ petition, has once again been reinstated as Office Assistant alone. Therefore, the Disciplinary Authority has proceeded to issue the impugned order on the wrong premise that the petitioner was not sponsored by the office of the Employment Exchange, is not sustainable.

12. Further, as stated supra, when the petitioner was reinstated into service on 07.02.2007, she was redesignated to the post of Office Assistant only and not as a Driver. That apart, the respondent have held out certain conditions to the petitioner while reinstating her into service, and since the petitioner had



obliged and fulfilled the conditions, she was reinstated into service as Office Assistant on 07.02.2007. While this being so, it is alleged in the counter that the petitioner was subjected to road test in 2008, where she failed to handle the vehicle. This statement appears to be contradictory, since the petitioner was reinstated into service only as Office Assistant on 07.02.2007 itself, and there is no necessity to conduct a driving test for her in June 2008, which is a required criteria for the post of Office Assistant cum Driver. Therefore, this Court reiterates that the respondent has overlooked the fact that on 07.02.2007, the petitioner had been reinstated only as Office Assistant and not as a Driver. Hence, on this score also, the impugned order fails.

13. Consequently, the writ petition is allowed and the impugned order of the respondent dated 03.01.2024 is hereby quashed. The respondent is directed to reinstate the petitioner into service with full backwages and pay her all consequential and attendant benefits, in the manner known to law. No costs.

12-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DS



To:

The Principal Secretary / Vice Chairman
Science City,
Department of Higher Education, Gandhimandapam Road
Planetarium Campus
Chennai-600 025.



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P.T.ASHA, J.

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