



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2026

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THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

**WP No. 23135 of 2017
and
W.M.P.No.24240 of 2017**

Hephzibah Kezia
W/o.D.Michael Bakiyanathan

..Petitioner

Vs

1. Union Territory of Puducherry
Represented by Chief Secretary
Government of Puducherry – 605 001.
2. The Secretary to Government cum Chairman
Perunthalaivar Kamarajar Institute of Engineering &
Technology
Government of Puducherry
Puducherry – 605 001.
3. The Director of Higher and Technical Education
Government of Puducherry
Puducherry – 605 008.
4. The Principal cum Secretary of
Engineering College (Karaikal Society)
Perunthalaivar Kamarajar Institute of Engineering
and Technology
(Government of Puducherry Institution)
Nedungadu
Karaikal – 609 603.
5. The Secretary
Engineering College (Karaikal) Society
Perunthalaivar Kamarajar Institute of Engineering &
Technology
(Government of Puducherry Institution)
Nedungadu, Karaikal – 609 603.

..Respondents



Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to the order No.PKIET/Estt./2012/2509 dated 05.06.2012 of the 4th respondent and quash the same as unlawful and illegal and further issue writ or order or direction directing the 4th and 5th respondents to join the petitioner in service of 5th respondent.

For Petitioner: Mr.P.Veeraraghavan

For Respondents: Mr.R.Syed Mustafa
Special Government Pleader

ORDER

The petitioner challenges the order dated 05.06.2012, bearing reference No.PKIET/Estt./2012/2509, passed by the fourth respondent. By the said order, the services of the petitioner, who was working as a Lecturer in the Department of Electronics and Communication Engineering at Perunthalaivar Kamarajar Institute of Engineering and Technology, were terminated by invoking the proviso to sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965.

2. The petitioner was appointed as a Lecturer pursuant to a memorandum dated 05.01.2009, subject to certain terms and conditions. One of the conditions stipulated that the petitioner would be on probation for a period of two years from the date of appointment, which could be extended at the discretion of the competent authority. It was further stipulated that failure to complete the probationary period to the satisfaction of the competent authority would render the petitioner liable to be discharged from service.



3. Subsequently, by office order dated 23.05.2011, the probationary period of the petitioner was declared satisfactory, and she was re-designated as Assistant Professor with effect from 11.01.2011. Thereafter, the petitioner was served with the impugned order of termination, alleging that she had remained unauthorisedly absent, and the termination was effected by invoking the aforesaid Rule.

4. The learned counsel for the petitioner submitted that once the probationary period had been declared satisfactory, the petitioner ceased to be a temporary employee. Therefore, termination of her services without conducting any departmental enquiry is contrary to the Service Regulations and violative of Article 311(2) of the Constitution of India. It was contended that the impugned order is arbitrary, discriminatory, and opposed to the principles of natural justice.

5. Per contra, the learned State Counsel submitted that the petitioner was not interested in discharging her duties and had remained unauthorisedly absent without any sufficient cause. It was therefore contended that the respondents, having no other alternative, invoked Rule 5 of the CCS (Temporary Service) Rules, 1965, and that termination without conducting an enquiry does not call for interference.

6. The submissions advanced by the learned counsel on either side and the materials available on record have been carefully considered.



7. It is not in dispute that the probationary period of the petitioner had already been declared satisfactory. Once such a declaration is made, the respondents are legally bound to follow the procedure prescribed under the Service Regulations and Article 311(2) of the Constitution of India in respect of any allegation of misconduct, including unauthorised absence. Even assuming that the petitioner had remained unauthorisedly absent or was not inclined to continue in service, the respondents could not have invoked Rule 5 of the CCS (Temporary Service) Rules, 1965, which is applicable only to temporary employees or probationers whose probation has not been declared satisfactory.

8. In the present case, since the probationary period of the petitioner had already been declared satisfactory, the impugned order of termination passed by the fourth respondent, without holding any enquiry, is arbitrary, discriminatory, violative of the principles of natural justice, and legally unsustainable.

9. The impugned order was passed on 05.06.2012. It is seen that the petitioner submitted representations dated 03.10.2016 and 08.06.2017 to the respondents, requesting permission to resume duties.

10. In the counter affidavit, particularly at paragraph No.8, it is stated that the file was forwarded to the Government on 03.02.2012 seeking approval for termination of the petitioner's services, and that the Government had granted approval to initiate disciplinary proceedings against the petitioner in accordance with the CCS (Conduct) Rules. However, ignoring the said approval and without conducting any enquiry, the fourth respondent unilaterally passed the



impugned termination order.

11. In these circumstances, though there is some delay in approaching this Court, considering the fact that the termination order was passed without any enquiry and is ex facie arbitrary and discriminatory, the ends of justice would be met by setting aside the impugned order and directing reinstatement of the petitioner without backwages.

12. Accordingly, the Writ Petition is allowed. The impugned order dated 05.06.2012, bearing reference No.PKIET/Estt./2012/2509, passed by the fourth respondent is hereby quashed. The fourth respondent is directed to reinstate the petitioner into service with all attendant benefits, except backwages, within a period of two months from the date of receipt of a copy of this order.

13. In the event the petitioner fails to report for duty within the aforesaid period of two months, the respondents shall be at liberty to initiate appropriate action as permissible under law.

14. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

22.01.2026

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

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HEMANT CHANDANGOUDAR, J.

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