

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.A.No.1252 of 2015

N.Uma Chandra

... Appellant

versus

1 The State of Tamil Nadu
Rep. by its Secretary Social Welfare and
Nutritious Welfare and Meal Programme
Department Fort St. George Chennai-9.

2 The Commissioner,
Social Welfare Department,
Guindy Chennai- 32.

3 The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town Chennai-3.

... Respondents

Appeal filed against the order passed by this Court dated 19.8.2015 passed in W.P.No.22445 of 2015. Writ petition filed under Article 226 of the Constitution of India praying for the issuance of writ of mandamus directing the third respondent to appoint the petitioner as the Child Development Project Officer in the vacant of one Post made available in the Notification No.242 dated 18.6.2010 of the third respondent and pay all the salary monetary benefits to the petitioner;

For appellant : Mr.M.V.Muralidharan

For Respondents : Mr.P.S.Sivashanmugasundaram, Spl.G.P.
For respondents 1 and 2

J U D G M E N T

(made by K.K.SASIDHARAN, J.)

The Writ Petition filed by the appellant for issuance of a Writ of Mandamus directing the Tamil Nadu Public Service Commission to appoint her as Child Welfare Development Officer, pursuant to the notification dated 18 June 2010 was dismissed by the learned Single Judge. Feeling aggrieved, the unsuccessful Writ Petitioner is before this Court.

2. Heard the learned counsel for the appellant and the learned Special Government Pleader for the State.

3. The appellant submitted an application for appointment to the post of Child Development Project Officer, pursuant to the notification issued by the Tamil Nadu Public Service Commission (hereinafter referred to as "the Commission"). Name of the appellant was included in the reserve list against the post reserved for backward class. The appellant was informed that as against 30 posts advertised by the Commission, only 29 posts had been filled up. The appellant filed the Writ Petition for a direction to appoint her as Child Development Project Officer. Before the writ court, the Commission filed a counter affidavit contending that 9 posts were reserved under the General Turn Category, out of which, one post was earmarked for blind candidate. According to the Commission, the appellant cannot be considered for the vacancy earmarked for General Turn (Blind) and as such, she was not given appointment.

4. The learned Single Judge in the light of the counter affidavit filed by the Commission, dismissed the Writ Petition.

5. The appellant filed the Writ Petition in W.P.No.22445 of 2015 under a mistaken impression that only 29 posts had been filled up and there is a vacancy. The Commission in its counter affidavit indicated the actual vacancy position.

6. The Commission notified 30 vacancies out of which 9 were earmarked for General Turn. The Commission also stated that out of 9 posts earmarked for General Turn, one vacancy was reserved for blind candidate. The case of the appellant before the writ court was only on the basis that there is an unfilled vacancy. The Commission explained the vacancy position and demonstrated that the appellant is not entitled for appointment. It is also a matter of record that the appellant scored only 208.50 under the reserved category. The last candidate appointed under the Backward Class category got 226.50 marks. Therefore, in any case, the appellant is not entitled for appointment. The Writ Petition was therefore rightly dismissed by the learned Single Judge. We do not find any error or illegality in the said order, warranting interference by entertaining this appeal.

7. In the upshot, we dismiss the intra court appeal. No costs. Consequently, M.P.Nos.1 and 2 2015 are also dismissed.

Sd/-
Assistant Registrar(CO)

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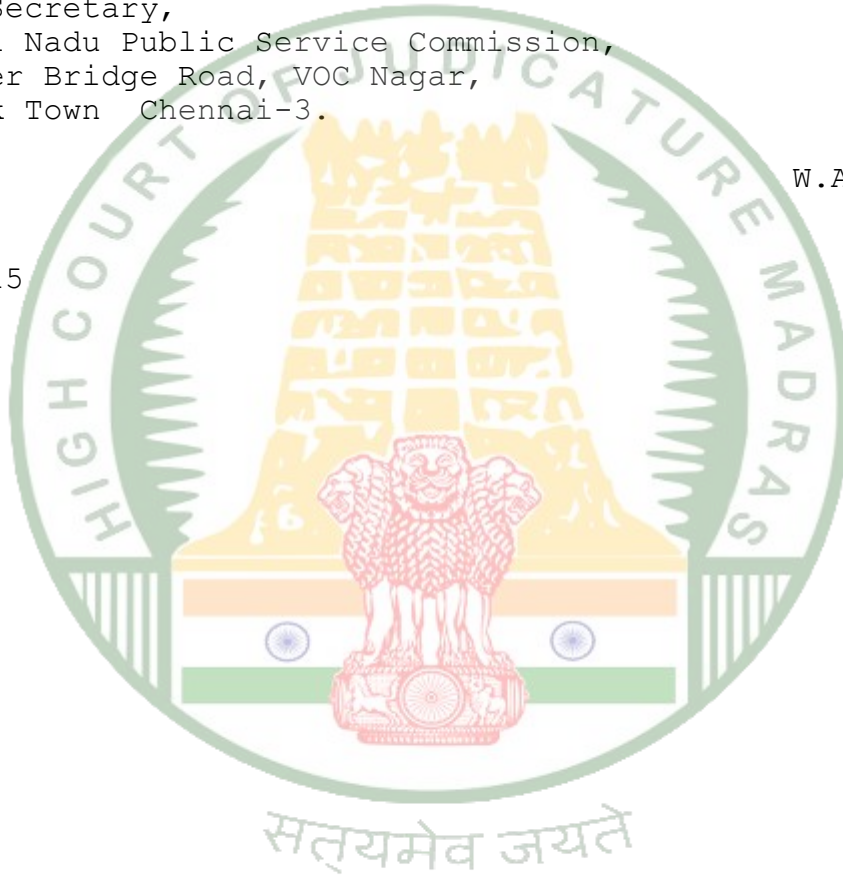
Sub Assistant Registrar

To

1. The Secretary,
Social Welfare and Nutritious
Welfare and Meal Programme
Department Fort St. George Chennai-9.
- 2 The Commissioner,
Social Welfare Department,
Guindy Chennai- 32.
- 3 The Secretary,
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Frazer Bridge Road, VOG Nagar,
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GGK(CO)
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