

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.39527 of 2015
and MP.No.1 of 2015

K.Santhi

... Petitioner

Vs.

1.Government of Tamil Nadu
Rep. by its Secretary to Government
Adidraavidar and Tribal Welfare Department
Fort St.George, Chennai-9.

2.The Collector,
Salem District, Salem.

3.The District Adi Dravidar and
Tribal welfare officer
Collector's Office, Salem,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of declaration declaring the order of the second respondent bearing Na.Ka.No.36263/2011/d4 dated 21.10.2015 in so far as not making reservation for destitute women in terms of Rule 21(b) of the Tamil Nadu State and Subordinate Service Rules for the selection to the post of Cook in respect of 80 vacancies as illegal, arbitrary, contrary to law and consequently, direct the respondents to issue fresh advertisement/notification in respect of the post of cook by extending the benefit of reservation for destitute women in terms of Rule 21(b) of the Tamil Nadu State and Subordinate Rules.

For Petitioner : Mr.Balan Haridas
For Respondents : Mr.L.Mahendran, GA.

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2.Though the writ petition has been filed for issuing writ of declaration declaring the order of the second respondent dated 21.10.2015 in so far as not making reservation for

destitute women in terms of Rule 21(b) of the Tamil Nadu State and Subordinate Rules for the selection to the post of Cook in respect of 80 vacancies is illegal, arbitrary and contrary to law, the learned counsel for the petitioner submitted that it would be suffice to issue direction to the third respondent to consider the representation of the petitioner dated 02.11.2015.

3.The case of the petitioner is that she has passed 8th standard and she belongs to Malayali Community, the petitioner is trained to cook both vegetarian and non-vegetarian foods and also obtained experience certificate in cooking. The petitioner applied for the post of cook, as per the notification issued by the second respondent dated 21.10.2015 and she also attended the said interview held on 29.10.2015.

4.According to the petitioner, as per Rule 21(b) of the Tamil Nadu State and Subordinate Rules, in the case of direct recruitment to the post in the scale of pay, the minimum of which does not exceed Rs.4,000/-, 10% of vacancies out of 30% of vacancies set apart for women shall be set apart for destitute widows. Since, it was not done so, in the said notification dated 20.10.2015, the petitioner made a representation dated 02.11.2015.

5.The learned Government Advocate submitted that though the petitioner made a representation, she has not produced any proof to substantiate her claim.

6.Heard the submission of Mr.Balan Haridas, learned counsel appearing for the petitioner and Mr.L.Mahendran, Government Advocate who accepts notice on behalf of the respondents.

7.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances, permits the petitioner to submit fresh representation to the third respondent by enclosing a copy of this order and relevant records within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the third respondent shall consider the said representation on merits and in accordance with law and pass appropriate orders within a period of four weeks thereafter and communicate the decision taken to the petitioner.

8.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

tsh

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

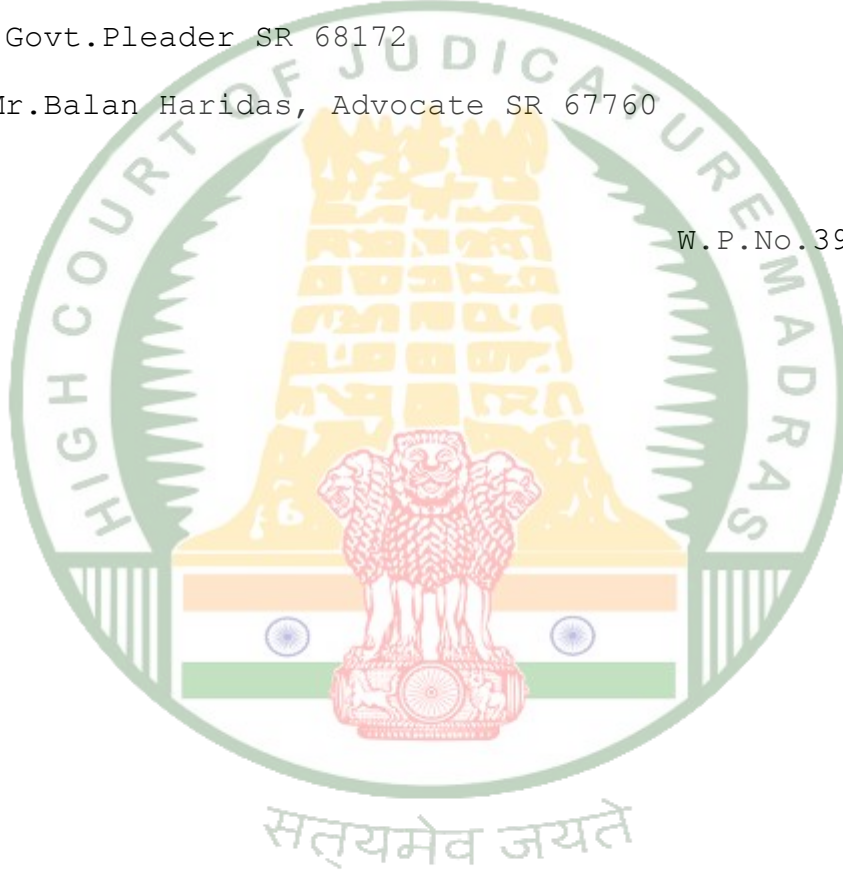
1. The Secretary to Government,
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+ 1 cc to Govt.Pleader SR 68172

+ 1 c to Mr.Balan Haridas, Advocate SR 67760

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