



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2015

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P.(MD) No.21036 of 2014
& MP(MD)Nos.1 to 3 of 2014

S.Thirukkumar

... Petitioner

vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government
Social Welfare and Nutritious Meal
Programme Department
Secretariat, Chennai.

2.The Director,
Integrated Child Development Scheme (ICDS)
No.1 Pammal Nallathambi Street,
Taramani, Chennai.

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

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records relating to the Notification No.21/2014 dated 28.11.2014 issued by the 3rd respondent and quash the same and consequently direct the respondents to issue fresh notification permitting the qualified male candidates also to apply for the post of Child Development Project Officer in the Social Welfare and Nutritious Meal Programme of the Government of Tamil Nadu within a time limit to be fixed by this Court.

For Petitioner : Mr.R.M.Makesh Kumaravel
For Respondents : Mr.TR.Janarthanam
Addl. Government Pleader

O R D E R

This writ petition is filed challenging the notification issued by the third respondent dated 28.11.2014 in Notification No.21/14 inviting application only from women candidates for direct recruitment to the post of Child Development Project Officer.

2. The main grievance of the petitioner in this writ petition is that the respondents cannot restrict the above recruitment to be made only from and among women candidates without permitting the male candidates also to take part. Therefore, the impugned notification has been challenged on the ground of violation of Article 14 of the Constitution of India.



3. Counter affidavit is filed by the third respondent, wherein it is stated that the impugned notification was issued as per G.O.Ms.No.1251 dated 24.07.1987, wherein Rules were framed in respect of the Tamil Nadu General Services, wherein Rule 6 contemplates women alone shall be eligible for the post of District Social Welfare Officer, Child Development Project Officer, Taluk Project Nutrition Officer and Superintendent Sheltered Workshop for the blind. Therefore, it is contended that the Notification issued as per the above said Rules cannot be found fault with, since the petitioner has not questioned the said Rule.

4. Heard the learned counsels on either side and perused the materials placed before this Court.

5. In this case, the petitioner is aggrieved against the notification issued by the Tamil Nadu Public Service Commission dated 28.11.2014 only on the ground that such recruitment notification was confined only in respect of women candidates, without allowing male candidates also take part. Admittedly, the petitioner is questioning only the impugned Notification and not questioning the relevant Rules issued under G.O.No.1251 of Social Welfare Department dated 24.07.1987, wherein, Rule 6 reads as follows:

"6.Sex - Women alone shall be eligible for appointment to the post of District Social Welfare Officer, Child Development Project Officer, Taluk Project Nutrition Officer and Superintendent Sheltered Workshop for the Blind."

6. It is not in dispute that the impugned notification issued by the third respondent was in accordance with the above said Rules. When that being the factual position and when the said Rules specifically contemplates that women candidates alone are eligible for appointment to the post of Child Development Project Officer, the petitioner cannot find fault with the impugned notification issued by the third respondent calling upon applications only from the women candidates. So long as the said Rule is in force, the petitioner cannot raise the ground of equality. Therefore, I find no merits to interfere with the impugned notification. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar



To

1.The Secretary to Government
Government of Tamil Nadu,
Social Welfare and Nutritious Meal
Programme Department
Secretariat, Chennai.

2.The Director,
Integrated Child Development Scheme (ICDS)
No.1 Pammal Nallathambi Street,
Taramani, Chennai.

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

+1cc to MR.T.R.JANARDHANAN, ADVOCATE IN SR : 6325

RR

SR : 19.02.2015 : 3p/5c

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