

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11894 of 2016  
& WMP No.10274 of 2016

1 M.Parameswari [ Petitioner ]

Vs.

1 The District Collector  
O/o. The Collectorate of Vellore  
Vellore District

2 The Block Development Officer  
Ex-Officio-Commissioner  
Panchayat Union Anai Kkattu  
Anai Kkattu, Taluk  
Vellore District

3 S.Sudha [ Respondents ]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents 1 2 to submit the records pertaining to the 3rd respondent and cancel her appointment as Noon Meal Organiser at Noon Meal Centre, Pattaiyur Govt. Aided Primary School at Pattaiyur within the Anaikattu Panchayat Union in Vellore District and directing the 1st and 2nd respondents to select and appoint the petitioner in the place of 3rd respondent as Noon Meal Organiser at Pattaiyur Noon Meal Centre in Pattaiyur Govt. Aided Primary School within the Anai Kkattu Panchayat Union.

For Petitioner : Mr.K.Valayapathy

For Respondents : Mr.A.Kumar, SGP for R1

Mr.K.Balamurugan for R2

### **ORDER**

Heard the learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who took notice for the first respondent and Mr.K.Balamurugan for the second respondent and with their consent, the main writ petition itself is taken up for hearing.

2. This writ petition has been filed seeking a writ of mandamus directing the first and second respondents to cancel the appointment of the third respondent as Noon Meal Organiser and appoint the petitioner in the place of the third respondent as Noon Meal Organiser at Pattaiyur Noon Meal Centre in Pattaiyur Govt. Aided Primary School within the Anai kattu Panchayat Union.

3. The petitioner applied for the post of Noon Meal Organiser and appeared for the interview on 20.1.2016 before the selection committee. When she was eagerly waiting for her appointment, she came to know that the third respondent has been selected for the said post. Therefore,

she has come up with this writ petition with the aforesaid prayer.

4. The petitioner, having aggrieved by the order of appointment issued in favour of the third respondent, cannot simply ask for a mere direction to the first and second respondents to cancel the appointment made in favour of the third respondent, unless the said appointment is set aside either by a court of law or cancelled by a superior authority. Even respondents 1 and 2 also legally speaking may not be in a position to consider the petitioner's request, unless the order made in favour of the third respondent is challenged in a Court of law and a positive direction is issued in favour of the petitioner. If the petitioner has any grievance over the appointment of the third respondent, she should have challenged the same before the appropriate forum with valid grounds. Therefore, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

01.04.2016

ajr

T.RAJA,J  
ajr

To

- 1 The District Collector  
O/o. The Collectorate of Vellore  
Vellore District
- 2 The Block Development Officer  
Ex-Officio-Commissioner  
Panchayat Union Anai Kkattu  
Anai Kkattu, Taluk  
Vellore District

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