

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.22057 of 2016

P.Sangeetha

.. Petitioner

Vs.

1.The Commissioner of Social Welfare,
Chennai- 600 005.

2.The District Collector,
Dharmapuri District,
Dharmapuri.

3.The Commissioner,
Dharmapuri District Panchayat Union,
Dharmapuri.

4.M.Amsa

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent herein to consider the petitioner's appeal, dated 10.03.2016, preferred as against the order passed by the 2nd respondent in Na.Ka.No.6361/2015/X1, dated 30.10.2015, after giving opportunity to the petitioner and pass orders regarding appointment of petitioner as Cook Assistant in the Noon Meal Centre at Government Higher School, Pudhubalasamuthiram, Dharmapuri, in accordance with law, by cancelling the said illegal appointment made to the 4th respondent within a time limit stipulated by this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.P.Yuaraj

For Respondents : Mr.A.Kumar
Special Government Pleader
for R1 and R2
No Appearance for R3

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 1st respondent herein to consider the petitioner's appeal, dated 10.03.2016, preferred as against the order passed by the 2nd respondent in Na.Ka.No.6361/2015/X1, dated 30.10.2015, after giving opportunity to the petitioner and pass orders regarding appointment of petitioner as Cook Assistant in the Noon Meal Centre at Government Higher School, Pudhubalasamuthiram, Dharmapuri, in accordance with law, by cancelling the said illegal appointment made to the 4th respondent.

3. The petitioner submitted an application for appointment as Cook Assistant in the Noon Meal Centre at Government Higher Secondary School, Pudhubalasamuthiram. Subsequently, the petitioner attended the interview and certificate verification was done, but, she was not selected for the said post. Now, the grievance of the petitioner is that the appeal filed by her to the 1st respondent, on 10.03.2016, requesting to cancel the appointment of 4th respondent and to appoint the petitioner as Cook Assistant is till date pending and there was no response. Hence, the petitioner has filed the present Writ Petition seeking the relief stated supra.

4. Mr.S.P.Yuaraj, the learned counsel for the petitioner would submit that the petitioner would be satisfied, if a direction is issued to the 1st respondent to consider the appeal filed, on 10.03.2016, and pass appropriate orders.

5. Mr.A.Kumar, the learned Special Government Pleader, who takes notice on behalf of the respondents 1 and 2, would contend that the appeal is pending.

6. Taking into consideration that the petitioner has preferred an appeal before the 1st respondent, on 10.03.2016, and the same is pending before him, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider the appeal preferred by the petitioner, on 10.03.2016, and pass appropriate orders, after issuing notice, and affording sufficient opportunity of hearing to the petitioner as well as the 3rd respondent, on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Social Welfare,
Chennai- 600 005.

2.The District Collector,
Dharmapuri District,
Dharmapuri.

3.The Commissioner,
Dharmapuri District Panchayat Union,
Dharmapuri.

+1cc to Mr.S.P.Yuaraj, Advocate, S.R.No.38622
+1cc to Mr.S.Diwakar, Advocate, S.R.No.38634
+1cc to the Government Pleader, S.R.No.39151

W.P.No.22057 of 2016

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srg 27/07/2016

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