

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7369 of 2016

1 M.Suguna [ Petitioner ]

vs.

1 The Commissioner of Social Welfare  
Chennai-600 005

2 The District Collector  
Dharmapuri District  
Dharmapuri

3 The Commissioner  
Dharmapuri Panchayat Union  
Dharmapuri

4 Rajeshwari [ Respondents ]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the 1st respondent herein to consider the petitioner's appeal dated 07.11.2015 preferred as against the order in Na.Ka.No. 6361/2015/X1 dated 30.10.2015 passed by the 2nd respondent and pass orders regarding appointment of petitioner as Cook Assistant in the Noon Meal Centre at Kattur Mariamman Koil, Dharmapuri Panchayat Union, Dharmapuri in accordance with law by cancelling the said illegal appointment made to the 4th respondent within a time limit stipulated by this Honourable Court.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.P.Chinnadurai, Govt.Advocate  
for R1 & R2  
Mr.S.R.Durai Solaimalai for R3

O R D E R

Heard the learned counsel for the petitioner and Mr.P.Chinnadurai, learned Government Advocate, who took notice for respondents 1 and 2 and Mr.S.R.Durai Solaimalai for third respondent and with their consent, the main writ petition itself is taken up for hearing.

2. The petitioner has come to this Court seeking a Writ of Mandamus, directing the first respondent to consider the pending appeal dated 7.11.2015 as against the order passed in Na.Ka.No. 6361/2015/X1 dated 30.10.2015 passed by the 2nd respondent.

3. The case of the petitioner is that pursuant to the Notification issued by the second respondent dated 15.7.2015, the petitioner applied for the post of Cook Assistant in Noon Meal Centre at Panchayat Union Middle School, Kattur Mariamman Koil, Dharmapuri Panchayat Union, Dharmapuri. According to the petitioner, though he possessed of the requisite qualifications and is a resident within 3 Kms of the Centre, he was not appointed, whereas, the fourth respondent, by producing a bogus educational certificate, has been appointed by the second respondent vide order dated 30.10.2015. Against the said order, the petitioner has preferred appeal dated 7.11.2015. Since the appeal has not been considered till date, the petitioner has come up with the Writ Petition with the aforesaid prayer.

4. Considering the limited scope of prayer made by the petitioner and without going to the merits of the claim, the first respondent is directed to consider the appeal preferred by the petitioner dated 7.11.2015, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that since the petitioner has made serious allegations against the fourth respondent to the effect that she has produced the bogus certificate, the first respondent is directed to afford personal hearing to the petitioner as well as the fourth respondent at the time of disposing the appeal.

5. The writ petition is disposed of with the above direction. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The Commissioner of Social Welfare  
Chennai-600 005

2 The District Collector  
Dharmapuri District  
Dharmapuri

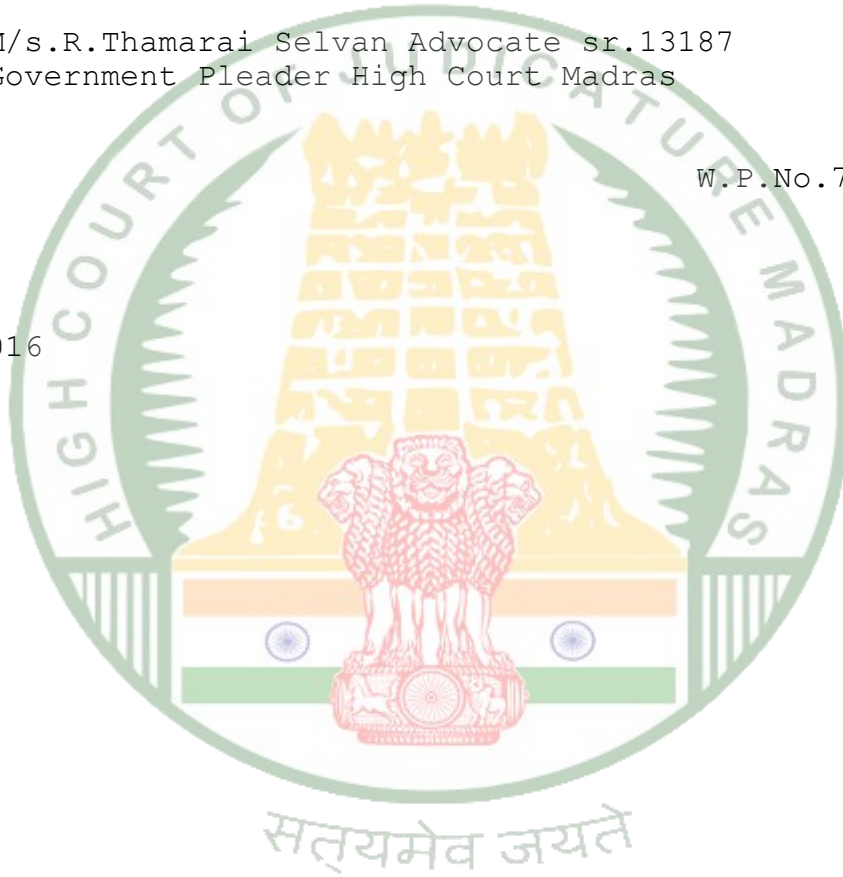
3 The Commissioner  
Dharmapuri Panchayat Union  
Dharmapuri

+1 cc to M/s.R.Thamarai Selvan Advocate sr.13187

+1 cc to Government Pleader High Court Madras  
sr.12934

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