

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.6.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDRA

W.A.No.812 of 2015
and
M.P.Nos.1 and 2 of 2015

Mrs.Muthulakshmi

Appellant/Petitioner

Versus

1. The Commissioner of Social
Welfare Department,
Chennai-5.

2. The Commissioner,
Keezhvellore Panchayat Union,
Nagapattinam District.

3. S.Manjula

Respondents/Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters
Patent against the order dated 29.3.2011 passed in W.P.No.10424
of 2009 on the file of this court.

Prayer in WP.10424/2009

Writ Petition filed Under Article 226 of the constitution of
India for a writ of Certiorari, calling for records pertaining
to impugned order of the first respondent passed in
Na.Ka.No.33281/08/sa.Vu.thi-Nir.2 dated 29.04.2009 and the order
of the second respondent passed in Na.Ka.5326/2007/AA7 dated
02.06.2009 and quash the same.

For appellant : Mr.S.T.P.Kuilmozhi

For R1 and R2 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and the learned Special Government Pleader appearing for respondents 1 and 2.

2. The matter relates to contest by two candidates viz., appellant herein and the third respondent for selection to the post of cook in the Aided Elementary School in Sottalvannam, functioning under the second respondent. It appears that originally, the appellant/petitioner was selected for the said post on 22.8.2007 and after she had worked for about 2 years, on the basis of the order passed in W.P.No.6307 of 2008 filed by the third respondent, the present appellant/writ petitioner was relieved from service. Challenging the same, the appellant had filed the writ petition. Pending the writ petition, it appears that an order of status quo was passed, but, ultimately, the writ petition was dismissed vacating the order of status quo, with a direction to the authorities to proceed to finalise the selection process. The appellant/petitioner having lost her case before the learned Single Judge is before this court.

3. The main contention of the appellant/writ petitioner is that her appointment to the said post is legally valid one considering the age factor as the third respondent is overaged and she had also worked for some time and apart from that her husband is a handicapped person and she alone has to take care of her family and therefore, she stands on a better footing than the third respondent and therefore, her case needs to be considered.

4. Considering the above facts and circumstances and the contentions of the appellant/petitioner, this court is of the view that it is for the respondent-authorities to look into the factual aspects viz., age, dependency, etc. and proceed to finalise the selection process in an expeditious manner. Both appellant and the third respondent will be allowed to participate in the selection process.

5. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

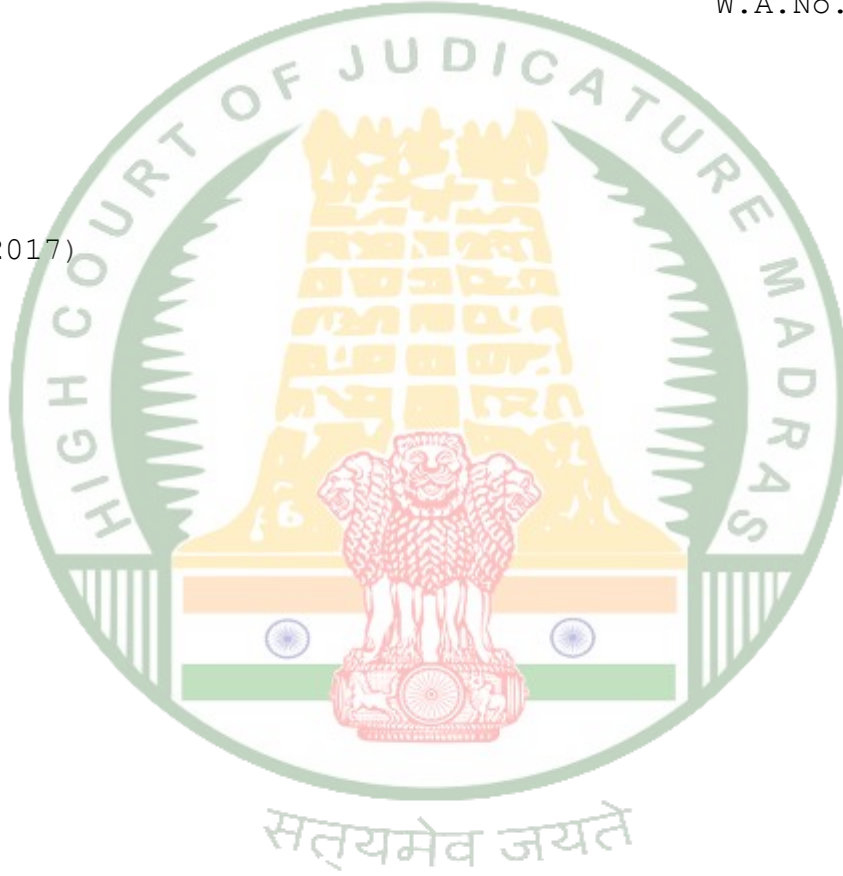
ssk.

1. The Commissioner of Social Welfare Department,
Chennai-5.
2. The Commissioner,
Keezhvellore Panchayat Union,
Nagapattinam District.

+lcc to M/s.S.T.P.Kuilmozhi, Advocate, S.R.No.44930/17
+lcc to the Government Pleader, S.R.No.45780/17

W.A.No.812 of 2015

AK (CO)
CU (27/07/2017)



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