

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3620 of 2017

S.Malathi

...Petitioner

Vs

1. The District Collector,
Vellore District,
Vellore.
2. The Tahsildar,
Katpadi Taluk, Katpadi,
Vellore District
3. Mr.Dhanraj,
Village Assistant,
Kilvalachur Village,
Vaduganthangal Post,
Katpadi Taluk,
Vellore District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider the representation and pass orders on the appeal dated 22.12.2016 of the petitioner regarding cancellation of irregular appointment of Village Assistant and to appoint the petitioner in the said post on the basis of the petitioner qualification and eligibility.

For Petitioner : Mr.M.Ravi

For Respondents: Mr. P.Chinnadurai,
Government Advocate for R1 and R2.

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that she belongs to Scheduled Caste (Arunthathaiyur) Community and passed S.S.L.C. (X Standard)

Examination during 2002 and registered her name in the District Employment Exchange, Vellore, in Registration No.VLD 2002 F00004578 on 19.06.2002. The petitioner would further aver that the 2nd respondent vide communication dated 04.11.2016 in Na.Ka.A2/4500/2016 has informed the petitioner that her name was sponsored by the District Employment Exchange, Vellore, to fill up the vacant post of Village Assistant in Kilvilachur Village, Katpadi Taluk, Vellore District, and she was called upon to attend the interview and he also attended the interview on 21.11.2016 along with all testimonials. It is the claim of the petitioner that she fulfilled all essential and necessary qualification and therefore, she was expecting her appointment order but to her shock and surprise, the 3rd respondent who is junior to her in age and in the registration seniority in the Employment Exchange, got selected due to strong recommendation made by a powerful politician. The petitioner, in this regard, has also submitted a representation dated 22.12.2016 to the 1st respondent pointing out the illegality/irregularity in the selection and appointment of the 3rd respondent and since no orders have been passed, she came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that it would be suffice to direct the 1st respondent to consider and dispose of the petitioner's representation/appeal dated 22.12.2016 in accordance with law within a stipulated time.

4. Per contra, Mr.P.Chinnadurai, learned Government Advocate accepts notice on behalf of 1st and 2nd respondents and would contend that for having submitted a representation to the 1st respondent, the petitioner did not file any receipt or acknowledgement and as such, no direction can be issued to the 1st respondent as to the disposal of the representation submitted by the petitioner.

5. This Court has considered the rival submissions and also perused the materials placed on record.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the 1st respondent along with a copy of this order as well as a copy of the earlier representation dated

22.12.2016 within a period of two weeks from the date of receipt of a copy of this order and the first respondent, upon receipt of the same, shall put the 2nd and 3rd respondents on notice and thereafter, dispose of the representation of the petitioner in accordance with law within a further period of ten weeks thereafter and communicate the decision taken to the petitioner as well as the 3rd respondent. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
Vellore District,
Vellore.
2. The Tahsildar,
Katpadi Taluk, Katpadi,
Vellore District
3. The Registrar (Judicial)
High Court, Madras.

+1cc to Mr.Ravi, Advocate, S.R.No.9691
+1cc to the Government Pleader, S.R.No.10244

NMI (CO)
RS (03/03/2017)

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