

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2017

Coram

The Hon'ble Mr. Justice T. Raja

W.P.No. 14897 of 2017
and
W.M.P.No. 16137 of 2017

Mrs. R. Bhuvaneshwari

...Petitioner

Versus

The Personal Assistant to
District Collector (Noon Meal)
Thiruvannamalai District,
Tiruvannamalai.

...Respondent

Writ Petition, filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari to call for the records pertaining to the order bearing Na.Ka.No.8512/2016/Sa.Vu.Thi-1 dated 08.06.2017 of the respondent herein and quash the same.

For Petitioner : Mr. V. Suthakar

For Respondent : Mr. M. Digvijayapandian
Addl. Government Pleader.

ORDER

The writ petition has been filed challenging the impugned order dated 08.06.2017, cancelling her appointment to the post of Cook Assistant at Panchayat Union Elementary School, Palvarthuvendran Village, Polur Taluk.

2. The appointment to the post of Cook Assistant at Panchayat Union Elementary School, Palvarthuvendran Village, Polur Taluk, is reserved to the person belonged to Backward Class Community as well the landless person. After appointing the petitioner as Cook Assistant at Panchayat Union Elementary School, Palvarthuvendran Village, Polur Taluk, on the basis of the report filed by the Tahsildar, immediately the respondent coming to know that the husband of the petitioner is owning one

acre of land assigned by the Government. Therefore, the respondent passed the impugned order cancelling her appointment, citing the reason that while her husband is owing one acre of land assigned by the Government, without even disclosing the ownership of the land, she had given a false impression that she is a landless person.

3. The learned counsel appearing for the petitioner would submit that no doubt the husband of the petitioner was assigned with one acre of barren land, which could not have been utilised from the date of assignment. The petitioner's family is also prepared to return the said barren land, but inadvertently this has not been properly mentioned. That cannot be a ground for the respondent to take harsh decision against the petitioner for cancellation of her appointment. I do not agree with these submissions.

4. Because she has willfully and deliberately concealed the ownership of one acre of land by her family, hence this Court is not inclined to agree with the said submission. The reason is that in fact the family of the petitioner is the owner of one acre of land, therefore, the petitioner could have fairly submitted that the government had assigned one acre of barren land which could not have been utilised from the date of assignment and they have taken steps to return the land and therefore, the said land cannot be considered as a cultivable land. But this has not been done by the petitioner and in the affidavit filed in support of this writ petition also she admits that the family of the petitioner is the owner of one acre of barren land. It is not known whether it is arable or not, hence this court is not inclined to quash the impugned order cancelling her appointment.

5. The Writ Petition fails and is accordingly dismissed. Consequently connected miscellaneous petition is closed. No costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

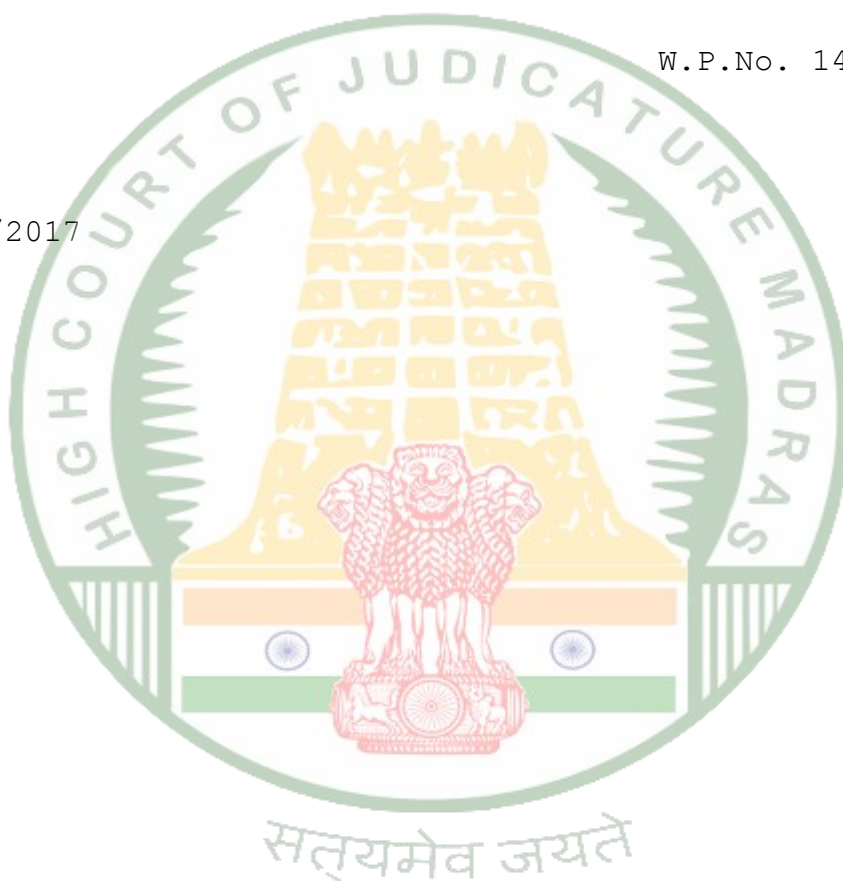
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To

The Personal Assistant to District Collector (Noon Meal)
Thiruvannamalai District,
Tiruvannamalai.

+lcc to Mr.V.Suthakar, Advocate Sr.41968
+lcc to the Government Pleader Sr.42285

W.P.No. 14897 of 2017

gj ii[col
srg 05/07/2017



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