

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2017

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.17122 of 2014
M.P.Nos.1 & 2 of 2014

V.Kunjammal

... Petitioner

Vs

1.The District Collector,
Nagapattinam & District.

2.The Commissioner,
Panchayat Union,
Vedharanyam TK,
Nagapattinam District.

3.The Assistant Educational Officer,
AEO Office, Vedharanyam TK,
Nagapattinam District.

4.M.Venugopal
Special Govt. Pleader (CS),
Government Pleader Office,
Chennai-104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, directing the respondents and in particular No.1 to 3 to consider the petitioner's life and to give employments as Noon meal Asst-II in the panchayat Union Primary School, Ramakrishnapuram, which the center is functioning under the control of the 2nd respondent with continuity of service and back wages and all other attendant benefits.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.K.Thangapandi
Government Advocate (for RR1-3)
Mr.P.Sanjay Gandhi (for R4)

O R D E R

The relief sought for in this writ petition is for a direction to direct respondents 1 to 3 to consider the petitioner's life and to give employment as Noon Meal Assistant-II in the Panchayat Union Primary School, Ramakrishnapuram.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner had joined as Noon Meal Assistant-II in the year 1982, in the centre attached with the second respondent school and rendered 8 years of service. However, the petitioner was not permitted to perform her work.

3. The learned counsel further states that the writ petitioner has filed a suit in OS.No.23 of 2012 with a prayer to permit the writ petitioner to continue as Noon Meal Assistant-II in the Center. The suit was entertained and a trial was conducted by the District Munsif-cum-Judicial Magistrate, Vedharanyam, and an order was passed in favour of the writ petitioner. Further, it is stated that the writ petitioner was made to run pillar to post for redressal of her grievances and therefore, she has filed the present writ petition seeking the prayer to provide employment as Noon Meal Assistant-II in the Panchayat Union Primary School, Ramakrishnapuram.

4. However, the writ petitioner had filed a suit in OS.No.137/1990 and a suit was set exparte and thereafter, she has filed an appeal in A.S.No.141/1995 and the same was also dismissed against which, the second appeal in S.A.No.1635/1998 was filed. This Court remanded the matter back to the Trial Court with some observations and pursuant to the observations, the suit being re-numbered as OS.No.23 of 2012, was decreed in favour of the writ petitioner. When, the writ petitioner has got a favourable remedy with the decree passed in the suit, the writ petition cannot be entertained and the remedy with regard to execution of decree is available under the code of Civil Procedure.

5. It is left open to the writ petitioner to approach the appropriate forum for seeking remedy based on the decree obtained by her. This being the factual position of the writ petition, further direction to provide employment to the writ petitioner does not arise at all.

6. Accordingly, the writ petition stands dismissed. However, there shall be an order as to costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

dna

To

1.The District Collector,
Nagapattinam & District.

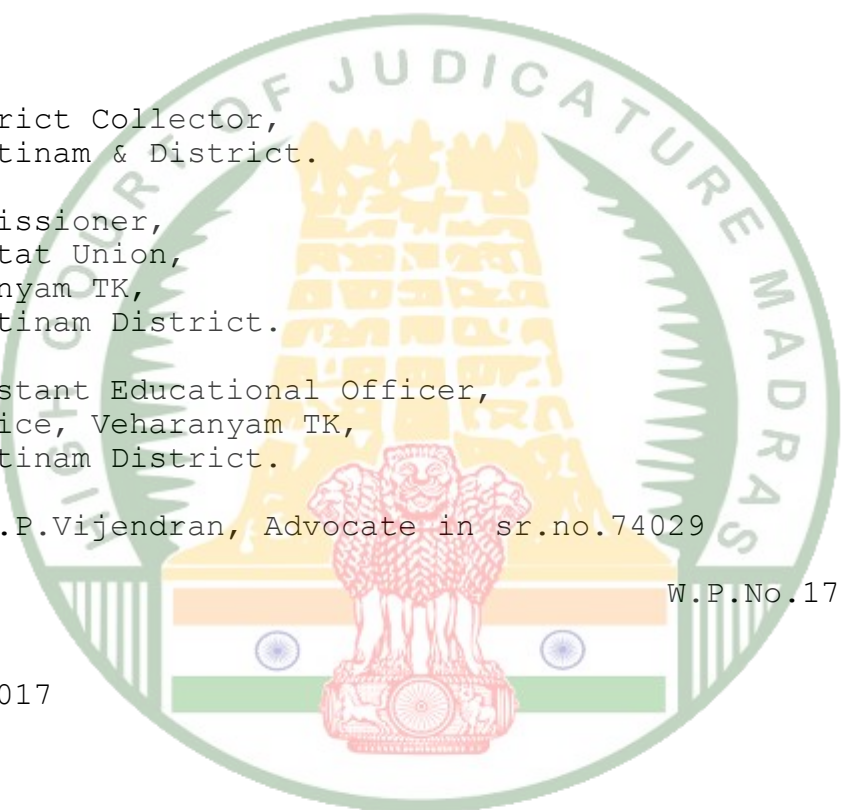
2.The Commissioner,
Panchayat Union,
Vedharanyam TK,
Nagapattinam District.

3.The Assistant Educational Officer,
AEO Office, Veharanyam TK,
Nagapattinam District.

+1cc to Mr.P.Vijendran, Advocate in sr.no.74029

W.P.No.17122 of 2014

SJ(CO)
NR 27/11/2017

The seal of the Madras High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant capital. The entire emblem is set against a background of horizontal stripes (green, white, and green). The words "HONORABLE COURT OF JUDICATURE MADRAS" are inscribed in a green circle around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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