

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

W.P.No.7202 of 2003
and W.P.M.P.No.9293 of 2003

M. Rasathee

Petitioner

Vs

1. The District Collector,
Salem District

2. The Block Development Officer,
Pedhanaickanpalayam,
Attur Taluk,
Salem District

3. V. Shanthi
(impleaded as per Order dated 03.01.2017
vide WPMP No.195/2009 in WP No.7202/2003)

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus to call for the records from the respondents 1 and 2 and quashing the impugned order of appointment by the second respondent dated 29.11.2002 in Na.Ka.No.3238/2002/Aa6 and directing the first and second respondents to appoint the petitioner to the post of Cook/Assistant Cook in the Noon Meal Scheme at Panchayat Union Elementary School, Uttankarai in Pedhanaickanpalayam Union within Salem District.

For petitioner :Ms.K. Priya

For respondents :Mr.V. Jayaprakashnarayanan
Spl.Government Pleader

ORDER

The petitioner has filed the writ petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records from the respondents 1 and 2 and quashing the impugned order of appointment by the second respondent dated 29.11.2002 in Na.Ka.No.3238/2002/Aa6 and directing the first and second respondents to appoint the petitioner to the post of

Cook/Assistant Cook in the Noon Meal Scheme at Panchayat Union Elementary School, Uttankarai in Pedhanaickanpalayam Union within Salem Distric

2. It is the case of the petitioner that her husband had donated land, on which, Panchayat Elementary School, Uttankarai, is said to have been built and therefore, when vacancy for appointment of Noon Meal Scheme Cook arose, the petitioner made an application to the authorities for considering her for appointment for the said post.

3. It is the further case of the petitioner that she was called for interview on 14.12.1999 and 19.12.1999 and she attended the interview. She has further stated that she was not given the post, whereas, one Ms.V. Shanthi was given appointment, challenging which, the petitioner has filed the present writ petition.

4. When the writ petition was filed, the petitioner did not implead Ms.V. Shanthi as a respondent. No interim order was also passed in favour of the petitioner and in fact, the petition in WPMP No.9293 of 2003, seeking stay of the impugned order of appointment itself was dismissed by this Court on 10.10.2003. Only in the year 2009, implead petition was filed in WPMP No.195/2009 in W.P.No.7202 of 2003, for impleading Ms.V. Shanthi and this Court by Order dated 03.01.2017 allowed the said petition.

5. The respondents have filed Counter, wherein, it is clearly stated that the School was not built on the land, that is said to have been donated by the petitioner's husband, but on Government Porakboke land. That apart, Ms.V. Shanthi was appointed as Cook, as she was below the poverty line. The petitioner has not made out any valid ground for setting aside the order of appointment of Ms.V. Shanthi. In the result, the writ petition is devoid of merits and the same is dismissed. No costs. Consequently, connected WPMP is closed.

sd/
Assistant Registrar(CO)

/true copy/

Sub Assistant Registrar

SR

To

1. The District Collector,
Salem District
2. The Block Development Officer,
Pedhanaickanpalayam, Attur Taluk,
Salem District

W.P.No.7202 of 2003

PA (CO)
GN (06/01/2017)



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