

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.02.2017

Coram:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.8470 of 2003

Ms.D.Muthulakshmi

.... Petitioner

vs.

1.The State of Tamil Nadu,
rep.by its Secretary to Government,
Personnel & Administrative Reforms
Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Special Tahsildar,
Land Acquisition,
Radhapuram,
Tirunelveli.

3.The Nuclear Power Corporation
of India Limited,
Koodankulam Nuclear Power Project
Koodankulam Post,
Radhapuram Taluk,
Tirunelveli District-627 106

4.The Manager (P & IR),
Koodankulam Nuclear Power Project,
Koodankulam,
Tirunelveli District-627 106

106

....Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records relating to the circular in No.KKNPP/Rectt/2003/653 dated 14th January 2003, issued by the fourth respondent in so far as clause-V of the condition stipulated therein and to quash the same and consequently direct the respondents to consider the application of the petitioner for the post of Junior Assistant-II, category in the land looser category.

For Petitioner : Mr.K.R.Ramesh Kumar

For Respondents: Mr.S.Pattabiraman for R1 & R2
**(*)Mr. V. Vijay Shankar for R3
and R4**

ORDER

It is the case of the petitioner that for establishing the Koodankulam Nuclear Power Project, the Government had acquired the lands belonging to her father Mr.Diraviam on the assurance that employment will be given to one member in the family of the land loser. The Nuclear Power Corporation of India Ltd., (3rd respondent) published a circular, dated 14.01.2003, calling for applications from eligible candidates for various posts from land loser category. In the said circular condition No.5 states as follows:-

"5. Preference will be given to candidates belonging to Land Looser Family, other things like age, qualification, experience etc. remaining the same. Candidates belonging to Land Looser Family shall not include married daughters, cousins, nieces, nephews and Grand Children (include only eligible son and/or daughter)"

Challenging the condition relating to married daughters, the petitioner has filed the present writ petition contending that married daughters cannot be excluded and they should be treated on par with unmarried daughters.

2.The respondents 3 and 4 have filed a counter affidavit, denying the allegations made by the petitioner. But in paragraph No.10 it is stated as follows:

"It is equally important that the Answering Respondent has clearly stated in all its notices and circulars that due priority would be given to the land losers family if they are on par with other candidates. It is in this context, the petitioner was also called for written test and interview, but was not selected having regard to the merit position and the availability of vacancies."

From the above it is clear that though the circular had excluded married daughters, yet the petitioner was permitted to take part in the written test and interview and she was not selected on the ground that she was not in the merit position.

3. In the light of the above, nothing survives in the writ petition and therefore, the writ petition is dismissed. No costs.

07.02.2017

Sd/-

Assistant Registrar (CS VII)

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msk

(*) order Amended as per the directions of the Hon'ble Court dated 03.03.2017 in this Writ Petitioner i.e., WP.No.8470/2003

To

- 1.The Secretary to Government,
Personnel & Administrative Reforms
Department, Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Special Tahsildar,
Land Acquisition,
Radhapuram, Tirunelveli.
- 3.The Nuclear Power Corporation
of India Limited,
Koodankulam Nuclear Power Project
Koodankulam Post,
Radhapuram Taluk,
Tirunelveli District-627 106
- 4.The Manager (P & IR),
Koodankulam Nuclear Power Project,
Koodankulam,
Tirunelveli District-627 106

+lcc to Mr.K.R. Ramash kumar, Advocate, S.R.No.7902
+lcc to Mr.V. Vijay shankar, Advocate, S.R.No.8019

rp(CO)

md(21/02/2017)

md 13.03.2017

W.P.No.8470 of 2003