

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44/2017

A.Kalaiselvi

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Petitioner

Vs

1.The Principal Secretary to Government
State of Tamil Nadu, Social Welfare &
Nutritious Meal Scheme Department
Secretariat, Fort St George,
Chennai 600009.

2.The District Collector
Salem District, Salem.

3.The Commissioner
Ayothipattinam Panchayat Union
Salem District.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to consider the representation submitted by the petitioner dated 27.10.2016 and to conduct selection for appointment to the post of Noon Meal Organizer by fixing the date of interview and other process of selection and consequently direct the respondents to consider the petitioner for appointment to the post of Noon Meal Organizer under Physically Handicapped quota as well as ICM quota and based on merit in selection by completing the process of selection within a time frame to be fixed by this Court.

For Petitioner	:	Mr.G.Sankaran
For RR 1 & 2	:	Mr.K.Dhananjayan, Spl.GP
For R3	:	Mr.S.N.Parthasarathy, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mr.S.N.Parthasarathy, learned Government Advocate accepts notice on behalf of the 3rd respondent.

2 The petitioner would state that she is hailing from a poor family and belongs to Schedule Caste Community and she is suffering due to 60% Locomotor disability and also got a certification as a Physically Disabled person. The petitioner would further aver that she is having qualification of SSLC and got registered her name in the jurisdictional Employment Exchange. The grievance expressed by the petitioner is that the 2nd respondent has issued a Notification for filling up the post of Noon Meal Organiser and Cook Assistant in respect of 349 and 518 vacancies respectively and the petitioner submitted an application to the 3rd respondent for selection and appointment to the post of Noon Meal Organiser and she was also issued with a Call Letter dated 12.08.2016 to attend the interview to be conducted on 30.08.2016. But, all of a sudden, the interview was cancelled and the reason appears to be due to administrative reasons. The petitioner, in this regard, has submitted a detailed representation dated 27.10.2016 to

the respondents, praying for appropriate direction to continue with the selection process and since no response is forthcoming, she came forward to file the present writ petition.

3 Mr.G.Sankaran, learned counsel for the petitioner would submit that for want of filling up of the posts of Noon Meal Organisers and Cook Assistants, the Schools concerned are suffering and therefore, in all fairness, the 3rd respondent should have continued with the selection process and since for the reasons best known to them, the selection process has been cancelled, the petitioner is constrained to submit a representation and therefore, prays for appropriate orders for earlier disposal of the representation.

4 This Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.S.N.Parthasarathy, learned Government Advocate appearing for the 3rd respondent.

5 It is well settled position of law that it is always open to the authorities to go for cancellation of the selection process. In the considered opinion of the Court, no legal right has been accorded to the

petitioner as on date. Be that as it may, the petitioner requires reason for cancellation of the selection process and therefore, it is always open to her to invoke the benevolent provisions of the Right to Information Act, 2005, and seek information as to the reasons for cancellation of the selection process.

6 In the light of the effective alternate remedy available, this Court is of the view that the writ petition is not maintainable as on today. Therefore, the writ petition is disposed of granting liberty to the petitioner to invoke the provisions of the Right to Information Act, 2005 and as and when such a request is received, the concerned officer shall take expeditious steps to dispose of the same as expeditiously as possible in accordance with law and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

04.01.2017

Index : No
Internet : Yes

AP

To

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M.SATHYANARAYANAN. J

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