



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) .No.6365 of 2017 and
W.M.P. (MD) No.5010 of 2017**

Mahalakshmi

..Petitioner

Vs.

1. The District Collector,
Virudhunagar, Virudhunagar District.2. The Project Officer,
District Child Welfare Department,
Collectorate Complex, Virudhunagar District.3. The Block Development Officer,
Aruppukottai Taluk, Aruppukottai,
Virudhunagar District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to accept the additional S.S.L.C., mark sheet and interview the petitioner to the post of Noon Meal Organizer in Panchayat Union Primary School, Chinna Vallikulam, Aruppukottai as per the petitioner's application, dated 08.02.2017 within a time frame as stipulated by this Court.

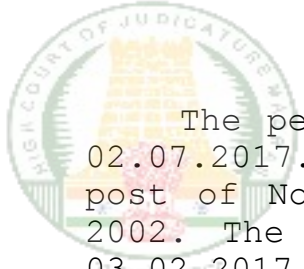
For Petitioner : Mr.V.Perumal
For R-1 & R-2 : Mr.J.Gunaseelan Muthaiah,
Government Advocate.
For R-3 : Mr.K.Mahesh Raja,
Government Advocate.

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to accept the additional S.S.L.C., mark sheet and interview the petitioner to the post of Noon Meal Organizer in Panchayat Union Primary School, Chinna Vallikulam, Aruppukottai as per the petitioner's application, dated 08.02.2017 within a time frame as stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The brief facts that are necessary for the purpose of the disposal of the Writ petition are as follows:-



The petitioner enrolled her name in the Employment Exchange on 02.07.2017. The petitioner states that she is qualified for the post of Noon Meal Organizer and she passed S.S.L.C., in the year 2002. The respondents issued a Notification in the newspaper on 03.02.2017 calling for applications from the eligible candidates for the post of Noon Meal Organizer and Cooking Assistants in Virudhunagar District. The petitioner submitted an application for the post of Noon Meal Organizer on 08.02.2017 along with all the documents to show her Educational Qualification, residence and employment seniority. It appears by mistake, the petitioner has not produced the pass certificate in S.S.L.C. The petitioner states before this Court that by mistake, the previous certificate in which she passed in all subjects except Mathematics was enclosed along with another duplicate of the same certificate instead of the pass certificate. Since this mistake was due to oversight and inadvertence, the petitioner wants to consider her candidature for the post of Noon Meal Organizer.

4. The fact that the petitioner is otherwise eligible for the post of Noon Meal Organizer is not in dispute. However, she was not allowed to appear before the interview committee on the ground that she has not produced the S.S.L.C. Certificate.

5. The learned Government Advocate appearing for the respondents also did not question the eligibility of the petitioner for the post of Noon Meal Organizer. However, the learned Government Advocate submitted that the petitioner's candidature cannot be considered as she has not produced S.S.L.C. Certificate along with the application while submitting the application.

6. The issue in the present case has to be considered having regard to the settled principles of law. This Court in exercise of its power under Article 226 of the Constitution of India, is inclined to redress the grievance of the individuals by portraying equitable principles. The qualification for the post of Noon Meal Organizer has not been compromised in this case. The submission of the S.S.L.C., Certificate along with the application is of course referred to as per the notice inviting applications from the eligible candidates. However, the petitioner's application was not accompanied by the S.S.L.C., Certificate, though she cleared all papers and possessing S.S.L.C., qualification.

7. In such circumstances, taking a lenient view this Court is inclined to pass the following order:-

"The first respondent/District Collector, Virudhunagar District is directed to consider the petitioner's candidature for the post of Noon Meal Organizer and permit the petitioner to participate in the interview by accepting the additional S.S.L.C., mark sheet and consider her application, dated 08.02.2017 along with other applications purely on merits and in accordance with law. The



learned Government Advocate is directed to inform the nature of the order passed by this Court."

8. Accordingly, the Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar, Virudhunagar District.
2. The Project Officer,
District Child Welfare Department,
Collectorate Complex, Virudhunagar District.
3. The Block Development Officer,
Aruppukottai Taluk, Aruppukottai, Virudhunagar District.

+1 CC to MR.V.PERUMAL, Advocate, SR No. 51411

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 51776

PMU

PSM/KP/SAR3/24.04.2017/3P/6C

ORDER MADE IN
W.P. (MD) .No.6365 of 2017 and
W.M.P. (MD) No.5010 of 2017
11.04.2017