IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.A.No.1402 of 2013

1.The Government of Tamil Nadu
Rep by the Secretary to Government,
Social Welfare and Nutritious Meal
Programme Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Social Welfare,
Chepauk, Chennai - 600 005.

3.The District Collector,
Krishnagiri District,
Krishnagiri.

...Appellants/Respondents

Vs

1. Venkatamma
2. Papamma
3. Chandra
4. Nagamma
5. Jaya
6. Sujatha
7. Rathinamma
8. Ramakka
9. K.Muniyamma
10. Rajamma
11. Muthamma
12. Maramma
13. Raju
14. Rajamma
15. Narayanamma
16. Venkattammal
17. Thippammal
18. Rani

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19.Thangammal
20.Shamim
21.Suseela
22.Senthamarai
23.Maramma

24.The Commissioner,
Krishnagiri Block, Krishnagiri,
Krishnagiri.

25.The Commissioner,
Kelamangalam Block,
Kelamangalam,
Krishnagiri District.

26.The Commissioner,
Thali Block, Thali,
Krishnagiri District.

27.The Commissioner,
Shoolagiri Block, Shoolagiri,
Krishnagiri District.

...Respondents

Appeal preferred against order dated 23.08.2012 passed in W.P.No.22255 of 2012.

W.P.No.22255 of 2012

Praying to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the first respondent in G.O.Ms.No.72 Social Welfare and Nutritious Meal Programme (Sa.U.Thi) Department dated 30.4.2012 and quash the same in so far as it directs filling up of the vacancies in the post of Cook by direct recruitment and direct the respondents to promote the petitioners as Cooks in the vacancies existing in their respective Panchayat Unions before resorting to direct recruitment.

For Appellants .. Ms.A.Srijayanthi
Special Government Pleader

For Respondents .. Mr.P.Rajendran
for R1 to R23

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JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This writ appeal is preferred against the order of the learned single Judge, by which, the writ petition was allowed paving way for the promotion of the private respondents as Cook from the post of Cook Assistant notwithstanding the Government Order passed in G.O.Ms.No.163 Social Welfare and Nutritious Meal Programme Department dated 18.08.2010 which provides for only 25% reservation from the category of Cook Assistant to be promoted as Cook, which only means the remaining 75% will have to be filled up by direct recruitment.

2.Heard the learned Special Government Pleader appearing for the appellants and the learned counsel appearing for the private respondents.

3.Though we find considerable force in the submission of the learned Special Government Pleader that the learned single Judge was not correct in stating that all the posts will have to be filled up by way of promotion and thereafter only, direct recruitment should go on, inasmuch as the private respondents herein have already been promoted as Cook, we are not inclined to interfere with the order passed. While doing so, the finding of the learned single Judge that in all cases, there should be promotion from the post of Cook Assistant to Cook, while filling up the vacancy and thereafter only, the question of considering the direct recruitment would come, stands set aside.

4.With the above observation, the writ appeal stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

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To
1.The Commissioner,
Krishnagiri Block, Krishnagiri,
Krishnagiri.

2.The Commissioner,
Kelamangalam Block,
Kelamangalam, Krishnagiri District.

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3.The Commissioner,
Thali Block, Thali,
Krishnagiri District.

4.The Commissioner,
Shoolagiri Block, Shoolagiri, Krishnagiri District.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.86382

+1cc to the Government Pleader, S.R.No.86672

W.A.No.1402 of 2013

GJII(CO)
GSP(23/01/2019)

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