

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2018
Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.21047 of 2018

T. Jeeva

...Petitioner

Vs.

1. The Collector,
Dharmapuri, Dharmapuri District.

2. The Commissioner,
Karimangalam Panchayat Union,
Karimangalam, Dharmapuri District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent to consider the representation of the petitioner, dated 26.03.2018 seeking appointment as Cook Helper in any vacancy in Karimangalam Block and pass appropriate orders thereon within a time limit to be fixed by this Court.

For Petitioner : Mr.P.Rajendran

For Respondent-1 : Mr.S.Suresh Kumar,
Government Advocate

For Respondent-2 : Mr.N.Srinivasan
Additional Government Pleader

O R D E R

Heard, Mr.P.Rajendran, learned counsel appearing for the petitioner, Mr.S.Suresh Kumar, learned Government Advocate, who accepts notice on behalf of the first respondent and Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of the second respondent. On consent of the learned counsel appearing for the parties, the Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this Writ Petition is that, she was selected for appointment to the post of Cook Helper in Bandarahalli Village, but her selection having been challenged, she was removed from service. However, she is a resident of Thellenahalli Village, where, a post of Assistant Cook was also there, she had applied for the same. But for her earlier selection, she was not called for interview in her own native Village. Therefore, she has made a representation to the first respondent, District Collector to consider her case and appoint her in respect of any other vacancy in the same block. The representation in this regard though made on 26.03.2018, but the same has not been addressed to by the first respondent. Hence, she has come to this Court seeking a writ of mandamus directing the first respondent to consider her representation within a stipulated time.

3. The learned counsel appearing for the petitioner during the course of hearing on admission submits that since the petitioner could not be considered for appointment in her own native Village as against the post of Assistant Cook for her selection in another School, which subsequently got cancelled, in all fairness of things, she should have been accommodated in same post in her own native Village or any such post in the same block against a vacancy as she has priority over the same. However, in the regard, she having made a representation, the first respondent be directed to consider her representation within a stipulated period.

4. The learned Government Advocate for the first respondent submits that the representation of the petitioner is without any substance, inasmuch as, in public employment, the petitioner cannot claim as a matter of right to be appointed because of the fact that her earlier employment in the similar post was held to be illegal. Therefore, the Writ Petition is liable to be dismissed.

5. After considering the submissions made by the learned counsel appearing for the parties and going through the materials on record, especially, the fact that the petitioner seeks an employment by way of this Writ Petition because of the fact that she was earlier selected for the post, which was held to be illegal, this Court is of the view that the petitioner has made out no case seeking a direction to the first respondent to consider her representation for employment to a post in the same village or in any other similar post in the block against existing vacancy, more so in view of the fact that consideration of such representation for appointment is prejudicial to the other prospective candidates, who are not before this

Court. Hence, this Court dismisses this Writ Petition at the stage of admission as to be devoid of merit. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sd

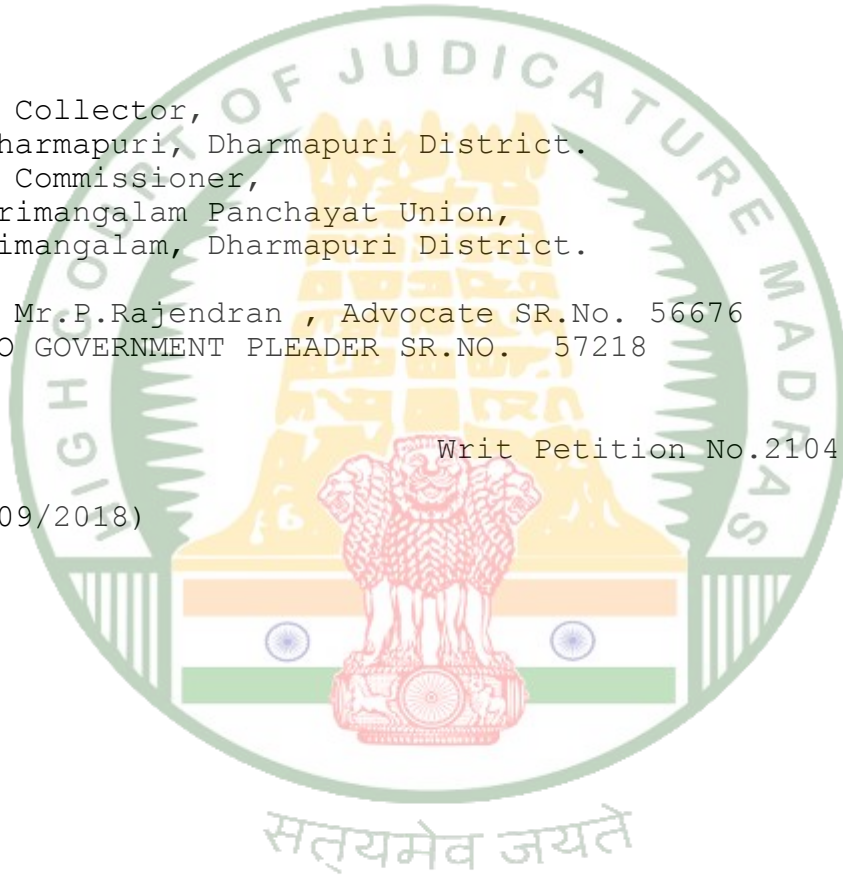
To

1. The Collector,
Dharmapuri, Dharmapuri District.
2. The Commissioner,
Karimangalam Panchayat Union,
Karimangalam, Dharmapuri District.

+1cc to Mr.P.Rajendran , Advocate SR.No. 56676
+1 CC TO GOVERNMENT PLEADER SR.NO. 57218

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ASK(24/09/2018)



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