

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.1626 of 2011 and
M.P.Nos.2 and 3 of 2011

1.A.Ravi
2.A.Ubendiran
3.K.Munusamy
4.K.Sekar
5.A.Ramachandiran
6.R.Palanivel
7.M.Poovathai
8.P.Muthuraman
9.V.Venkatachalam
10.R.Nagarajan ... petitioners

-Vs-

1.The State of Tamil Nadu
Rep by the Secretary to Govt.,
Social Welfare and Nutritious Meals
Scheme Department,
Secretariat, Chennai-9.
2.The Commissioner of Social Welfare,
Chepauk, Chennai-5. ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.Ms.No.12, Social Welfare and Nutritious Scheme (Sa U Thi 2) Department, dated 12.01.2010 and quash the same to the extent of the petitioners alone.

For petitioners : Mr.M.Muruganandham for
Mr.V.S.Jagadeesan
For Respondents : Mr.J.Pothiraj,
Special Government Pleader

O R D E R

Heard Mr.M.Muruganandham, learned counsel for the petitioners and Mr.J.Pothiraj, learned Special Government Pleader appearing for the respondents.

2. The petitioners have approached this Court, seeking the following relief:-

"To issue a Writ of Certiorari, to call for the records on the file of the 1st respondent in connection with the order passed by him in G.O.Ms.No.12, Social Welfare and Nutritious Scheme (Sa U Thi 2) Department, dated 12.01.2010 and quash the same to the extent of the petitioners alone."

3. The case of the petitioners is as follows:-

The writ petition is filed challenging the G.O.Ms.No.12, Social Welfare and Nutritious Scheme (Sa U Thi 2) Department, dated 12.01.2010, wherein, the promotion to the post of Supervisor Grade II from the post of Noon Meal Organiser was specifically given only to the women employees, not to the male employees. Challenging the same, the petitioners are before this Court saying that the Government Order discriminating the male employees is violative of the Article 14 of the Constitution of India.

4. During the pendency of the writ petition, it appears that the Government has passed G.O.Ms.No.37, Social Welfare and Nutritious Scheme (Sa U Thi 2) Department, dated 28.02.2011, proposing to re-consider the Government Order which is under challenge before this Court. Therefore, the learned counsel for the petitioners would submit that since the decision is to be taken in pursuance of the aforesaid Government order dated 28.02.2011, the challenge to the original Government Order in the writ petition at this stage may not arise.

5. Therefore, the first respondent is directed to take a decision in pursuance of the G.O.Ms.No.37, Social Welfare and Nutritious Scheme (Sa U Thi 2) Department, dated, 28.02.2011, if they have not already taken any decision in this regard and communicate the same to the petitioners. In case the petitioners have still any grievances in regard to the decision taken by the Committee constituted under the above said Government Order, it is open to the petitioners to seek remedy in a manner known to law.

6. With the above direction, the writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed. Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

gsk

To

1.The Secretary to Govt.,
Social Welfare and Nutritious Meals
Scheme Department,
Secretariat, Chennai-9.

2.The Commissioner of Social Welfare,
Chepauk,
Chennai-5.

+1cc to Mr.V.S.Jagadeesan, Advocate, sr.no.30999

+1cc to the Government Pleader, 31319

W.P.No.1626 of 2011

SVI (CO)

RRK (29/05/18)



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