

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.666 of 2018 and
C.M.P.No.6366 of 2018

M.Rajeswari ... Appellant/Petitioner

-vs-

1. The District Collector, Thiruvarur,
District Collector Office,
Thiruvarur.

2. The Commissioner,
Muthupettai Panchayat Union,
Tiruvarur District.

3. Karthika ... Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.894 of 2018 dated 17.01.2018.

W.P.No.894 of 2018:-

Petition filed under article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records and Appointment Order dated 11.10.2017 issued by the first respondent in favour of the third respondent and quash the same and consequently direct the first and second respondents to consider and appoint the petitioner for the post of Nutritious Meals Organizer at Middle School Ariyalur Panchayat Union Muthupettai Taluk Thiruvarur District.

For Appellant :: Mr.M.Jaikumar for
M/s.Arul Selvam Associates

For Respondents :: Mr.P.S.Sivashanmugasundaram,
Spl.GP for R1 and R2

JUDGMENT
(Delivered by HULUVADI G.RAMESH, J.)

The appellant herein filed a writ petition in W.P.No.894 of 2018 challenging the order of appointment dated 11.10.2017 appointing the third respondent as Nutritious Meal Organizer in the Middle School, Ariyalur Panchayat Union, Muthupettai Taluk, Thiruvarur District.

2.It was contended by the appellant before the Writ Court that the first respondent called for applications for the post of Nutritious Meals Organizer under Puratchi Thalaivar MGR Nutritious Meal Programme at Ariyalur Panchayat Union Middle School within the limits of Muthupettai Taluk, Thiruvarur District on 22.02.2017 through Advertisement in Newspaper. The minimum qualification for the above said post is that the candidates of General and Backward Class categories should have passed 10th Standard and the candidates of Scheduled Tribes should have passed or failed 8th Standard. It was submitted that the appellant applied for the said post and she was also called for interview to be held on 19.4.2017 at 10.00 a.m. by the second respondent and she also appeared for the same, but, the respondents 1 and 2 have selected the third respondent. It was contended that though the third respondent has completed the teachers training, since the minimum qualification for the said post is only X Standard, the first respondent ought not to have appointed the third respondent to the said post. Further, it was contended that the third respondent is residing 6 kms. away from the centre whereas the appellant is residing near the centre. Hence, seeking to quash the appointment order of the third respondent and to appoint the appellant in that place, the said Writ Petition has been filed.

3.Since the appellant had not stated anything in the affidavit about her actual qualification possessed and that she has also not stated about the distance of her residence from the centre, this Court dismissed the writ petition for want of specific information, on 17.01.2018.

4.Challenging the order passed in the writ petition, the present writ appeal has been filed by the appellant.

5.When this appeal was taken up, the learned Special Government Pleader appearing for the respondents 1 and 2 has submitted that the authorities have verified and it was found that the distance between the residence of the third respondent and the centre is 3 Kms and not 6 Kms as contended by the appellant.

6.We have heard the learned counsel for the appellant on the submissions made by the learned Special Government Pleader and perused the materials available on record.

7.The learned single Judge has dismissed the writ petition on the ground that it is lacking specific information with regard to the distance between the appellant's house and the centre and also with regard to the educational qualification of the appellant. Now it is seen that the distance between the residence of the third respondent and the centre is 3 Kms only. Further, the third respondent has acquired Teacher Training Course, which is much above the qualification acquired by the appellant. In such circumstances, this Court is unable to entertain this writ petition and accordingly the same is dismissed. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KM

To

1. The District Collector, Thiruvavarur,
District Collector Office,
Thiruvavarur.
2. The Commissioner,
Muthupettai Panchayat Union,
Tiruvavarur District.

+1cc to M/s.Arul Selvam Associates, Advocate, S.R.No.27364

+1cc to the Government Pleader, S.R.No.27693

SSI(CO)
CS/11/05/18

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