

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.750 of 2013

M. Sathiyavani

... Petitioner

Vs.

1. The District Collector,
Dharmapuri District.

2. The District Collector,
Krishnagiri.

3. The District Project Coordinator,
Continuing Education Programme,
Krishnagiri.

.... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, to direct the second respondent to provide alternative employment to the petitioner in any one of the department.

For Petitioner : Mr.K.M.Ramesh

For Respondent : Mr.P.Raghu
Government Advocate

O R D E R

The relief sought for in this Writ Petition is for a direction to direct the second respondent/ the District Collector, Krishnagiri, to provide alternative employment to the petitioner in any one of the Departments.

2. The learned counsel appearing on behalf of the writ petitioner states that the petitioner completed plus two examination and registered her name in the District Employment Exchange. Pursuant to the employment seniority, the writ petitioner was called for attending an interview for the post of 'Coordinator'. The petitioner appeared in the interview and successfully selected and appointed as 'Coordinator' on consolidated pay. The grievance of the writ petitioner is that she served in the same post for more than seven years and the respondents have not taken any action either to regularize the service of the writ petitioner or to brought her under the regular establishment. Thus, the writ petitioner is constrained

to move the present writ petition for providing alternative employment to the petitioner in any one of the Departments.

3. Admittedly, the writ petitioner was appointed as Coordinator on consolidated pay. For getting an alternate employment, the petitioner has to undergo process of selection in accordance with recruitment Rules in force. It is needless to state that appointments to all the posts are to be done only by following the procedures contemplated and by providing opportunities to all the eligible candidates. The process of selection has to be conducted by following established procedures and under the constitutional schemes. Thus, the authorities competent cannot issue the order of appointment contrary to the Rules in force. However, the petitioner states that she is a destitute widow and therefore, she can be considered under the quota fixed for the destitute women in respect of the other posts also. However, it is made clear that appointments are to be done only by providing opportunity to all the eligible candidates under the same category.

4. In this view of the matter and without going into the merits of the case, the 3rd respondent/the District Project Coordinator, Krishnagiri, is directed to consider the representation submitted by the writ petitioner on 11.10.2011 and pass orders on merits in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose a copy of the representation and other relevant documents, if any, along with a copy of this order.

5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri District.
2. The District Collector,
Krishnagiri.

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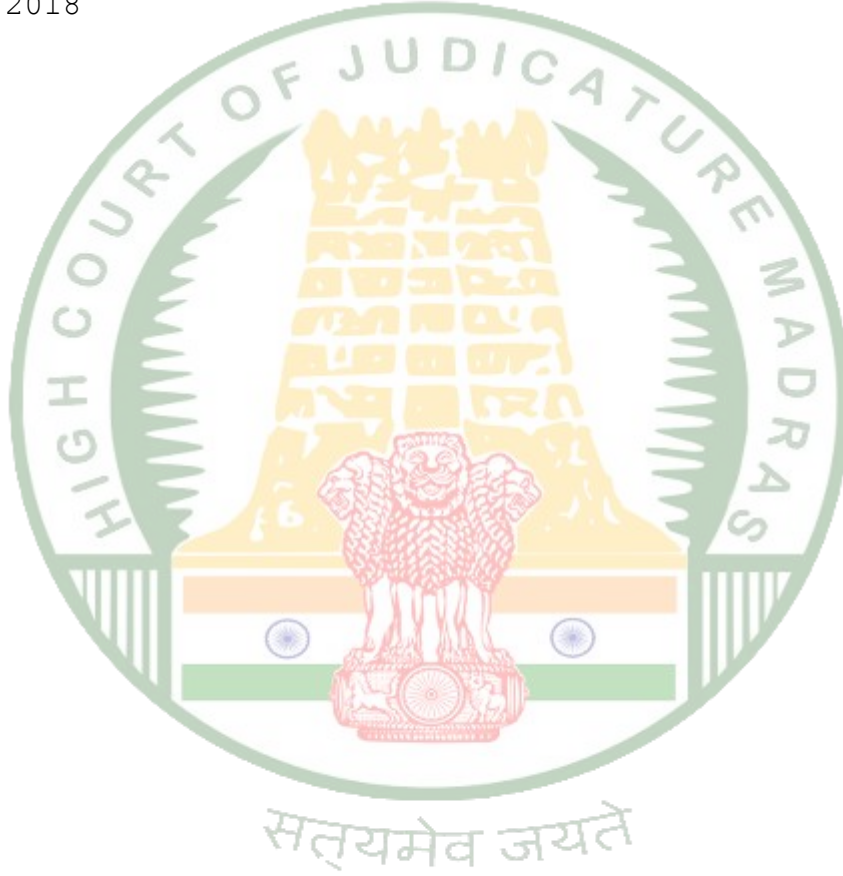
3. The District Project Coordinator,
Continuing Education Programme,
Krishnagiri.

+lcc to Mr.K.M.Ramesh, Advocate, S.R.No.61648
+lcc to the Government Pleader, S.R.No.62162.

W.P.No.750 of 2013

NRL(CO)

rrs 01/10/2018



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