

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

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THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.31402 of 2007
and MP. No. 1 of 2007

Jayagandhi

...Petitioner

Vs

1.The Personnel Assistant to District Collector,
(Nutrition)
Tiruvannamalai District,
Collectorate, Tiruvannamalai.

2.The Commissioner of Panchayat Union,
Polur Panchayat Union,
Block Development Office,
Polur, Tiruvannamalai District.

3.Vimala

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records in Na.Ka.1155/07/Sau T dated 31.07.2007 on the file of the 1st respondent and quash the order appointing the 3rd respondent and direct the 1st respondent to appoint the petitioner as Cook in Thuluvapushpagiri Government Aided Elementary School in Vellur Panchayat within Polur Panchayat Union.

For Petitioner : Mr.P.Ganapathy

For Respondents: Mr.K.Ravikumar, AGP -For R1
Mr.D.Srinivasan - for R2
M/s M. Thenmozhi - For R3

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O R D E R

The prayer sought for in the writ petition is to call for the records in Na.Ka.1155/07/Sau T dated 31.07.2007 on the file of the 1st respondent and quash the order appointing the 3rd respondent and direct the 1st respondent to appoint the petitioner as Cook in Thuluvapushpagiri Government Aided

Elementary School in Vellur Panchayat within Polur Panchayat Union.

2. The case of the petitioner is that the petitioner had applied for the post of Cook in the Government Aided Elementary School at Thuluvapushpagiri Village in Vellur Panchayat as per the paper publication dated 19.02.2007. In the said advertisement, the District Collector mentioned the guidelines for the post of Cook that the candidate must be from the same village, if no eligible candidate is available in that village, any eligible candidate who belongs to any hamlet villages of the said Panchayat are entitled for selection.

3. The petitioner belongs to Thuluvagiri Village and residing 160 mtrs distance from the school and she studied 10th Standard and applied for the post of Cook. As per the call letter dated 30.03.2007 she was called for interview to attend the interview on 12.04.2007 at 10.00a.m., she had attended the interview on 12.04.2007 and produced all the relevant certificates viz., Educational Qualification certificate, Transfer certificate, Mark statement, Community Certificate, Residence Certificate and Employment Registration Card. However, the first respondent selected the 3rd respondent herein. As per the advertisement, the candidates should be the resident of Thuluvapushpagiri Village or any hamlet village of Vellur Panchayat. Though, the 3rd respondent is not a resident of the said local Panchayat, she was selected for the post of Cook. Aggreived against the said order, the present writ petition has been filed by the petitioner.

4. On the other hand, the learned counsel appearing for the 2nd respondent submitted that the as per the advertisement published in news paper dated 19.02.2007, three applications were received from the candidates for post of Cook in Government Aided Primary School, Thuluvapushpagiri, hamlet of Vellur Village Panchayat in Polur Panchayat Union. The said three candidates are 1. Jayaganthi (Petitioner herein), 2. D.Santhi and 3.K.Vimala (3rd respondent herein). The interview was conducted on 12.04.2007 and all the three candidates were attended the interview on the said date.

5. After completion of interview, the Personal Assistant (NMP) to Collector, Tiruvannamalai District, who is the appointing authority had selected K.Vimala, 3rd respondent herein for the post of Cook on merits and on the ground that she is elder among the three candidates and also belongs to Scheduled Caste Community.

6. In the said circumstances, this Court by considering the fact that no interim orders were granted by this Court in this Writ Petition and also considering the fact that only as per the eligibility criteria prescribed in the paper publication, that it is not mandatory that the candidate residing in the same locality has alone should be appointed, the first respondent has appointed the 3rd respondent namely K.Vimala for the post of Cook, since she is elder among all and further she belonged to the Scheduled Caste Community.

7. In the result, this court finds no illegality in the order passed by the first respondent appointing the 3rd respondent namely K.Vimala as Cook in the Government Aided Primary School, Thuluvapushpagiri, hamlet of Vellur Village Panchayat in Polur Panchayat Union. Accordingly, this Writ Petition stands dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Personnel Assistant to District Collector,
(Nutrition)
Tiruvannamalai District,
Collectorate, Tiruvannamalai.

2.The Commissioner of Panchayat Union,
Polur Panchayat Union,
Block Development Office,
Polur, Tiruvannamalai District.

+1cc to the Government Pleader Sr.51402

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vsn ii[co]
srg 10/09/2018