

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.171 of 2018

Sumathi

W/o late Rangan

.. Petitioner

-VS-

1. The District Collector
Dharmapuri District
Dharmapuri

2. The District Integrated
Child Development Officer
Dharmapuri Integrated Child
Development Office
Dharmapuri

3. The Block Development Officer
Harur Panchayat Union
Harur 636 903

4. Selvi
W/o Rajamani

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Declaration, declaring the appointment made by the first respondent by his proceedings in Na.Ka.No.1521/2016/X dated 13.11.2017 in so far as the selection and appointment of the fourth respondent is concerned, as the Assistant Noon Meal Organizer in Panchayat Union Primary School, Melsengapadi, Dharmapuri District, as illegal, mala fide, null and void and consequently to direct the first respondent to appoint the petitioner as Assistant Noon Meal Organizer in Panchayat Union Primary School, Melsengapadi, Dharmapuri District.

For Petitioner :: Mr.K.K.N.Ganeshan

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1 & 2
Mrs.K.Bhuvaneswari
Additional Government Pleader for R3

ORDER

This writ petition has been filed seeking issuance of a writ of declaration, to declare the proceedings in Na.Ka.No.1521/2016/X dated 13.11.2017 passed by the first respondent insofar as the selection and appointment of the fourth respondent is concerned to the post of Assistant Noon Meal Organizer in Panchayat Union Primary School, Melsengapadi, Dharmapuri District as illegal, mala fide, null and void with a consequent direction to the first respondent to appoint the petitioner as Assistant Noon Meal Organizer in Panchayat Union Primary School, Melsengapadi, Dharmapuri District.

2. Learned counsel for the petitioner submitted that the petitioner is a destitute widow belonging to Hindu Adidraavidar community and also studied upto 7th Standard. When her husband passed away leaving behind the petitioner and her two daughters and one son as the legal heirs, she was unable to eke out her livelihood. It is at this stage the first respondent issued a notification on 8.3.2017 inviting applications for the post of Assistant Noon Meal Organizer, prescribing the following qualifications:-

"(a) The candidate must have the local residence within 3 K.M.

(b) The age should be between 25-40 years

(c) Should have minimum qualification i.e., to read and write Tamil.

(d) Preference shall be given to the members of Handicapped Ex-serviceman, Destitute Widow, having married inter-caste, wife/daughter of Ex-serviceman, unmarried daughter of the Army man in service, refugees from Burma and Sri Lanka, the SC/ST whose lands had been acquired by the Government, physically handicapped and relieved from Government service and working in the Voluntary Services."

The petitioner also applied to the said post. But the first respondent, instead of considering the petitioner who is residing within three kms., from the Panchayat Union Primary School, Melsengapadi, has wrongly appointed the fourth respondent, who is also a widow, but appears to be hailing away from three kms. After knowing the non-appointment of the petitioner and the appointment of the fourth respondent as Assistant Noon Meal Organizer, all the villagers, sympathizing with the case of the petitioner, jointly made a representation to the first respondent on 22.11.2017. Since the first respondent has not taken into account the joint representation, there was a dharna also in the said village not permitting the fourth respondent to enter into the village. That shows that

all the villagers are on the side of the petitioner, as she is a widow living with her children. Therefore, the petitioner's case deserves consideration and she should be re-appointed setting aside the appointment order of the fourth respondent, he pleaded.

3. This Court could see the joint representation given by the villagers on 22.11.2017. That shows that the husband of the petitioner died after taking unlimited alcohol. May be for the reason that the villagers are showing sympathy to the petitioner, she has given a representation. But, in the present case, it is not known how the villagers can overlook a similar approach adopted by the first respondent for appointing the fourth respondent, who is also a destitute widow. Moreover, the attitude of the villagers not permitting the fourth respondent to do her work prohibits this Court from showing any sympathy to the petitioner. Secondly, the representation and the newspaper report also show that the petitioner and her group are taking law into their own hands. Therefore, this Court, sitting under Article 226, is not inclined to show any equity to the petitioner. Accordingly, the writ petition is dismissed. Consequently, W.M.P.No.228 of 2018 is also dismissed. No costs.

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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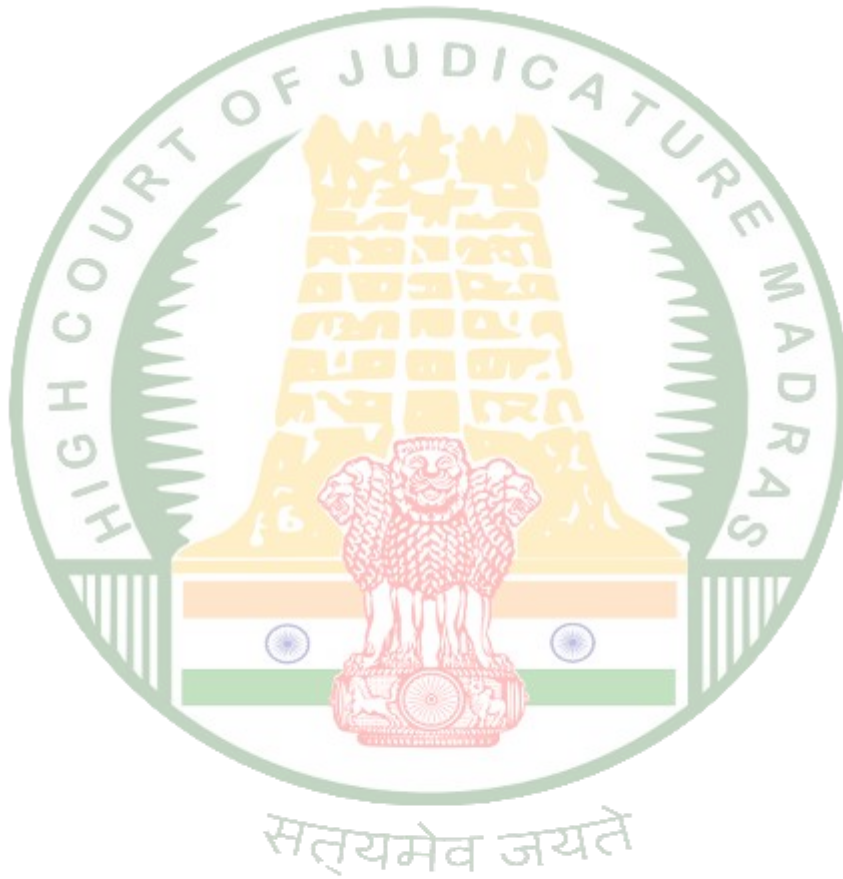
To

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Harur 636 903

+1 C.C. to MR.K.K.N.GANESHAN Advocate SR.NO.1892

W.P.No.171 of 2018

VS 25.01.2018



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