



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANW.P.(MD) No.7154 of 2015andW.M.P.(MD).No.18620 of 2017

Sheeja

... Petitioner

Vs.

1.The Registrar of Co-operatives Societies,
Chennai.2.The District Collector,
Kanyakumari District at
Nagercoil.3.The Joint Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.4.The District Recruitment Bureau for
Cooperatives,
Nagercoil, Kanyakumari District.5.The Assistant Director,
District Employment Exchange,
Nagercoil,
Kanyakumari District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 and 4 to permit the petitioner to join as Saleswoman in any one of the Fair Price Shop situated in Kanyakumari District.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.K.Saravanan for R1, R2 and R5
Government Advocate

: No Appearance for R3 & R4



2.The petitioner was sponsored by the Employment Exchange for the post of Saleswoman in Fair Price Shops in Kanyakumari District.

3.The case of the petitioner is that she was selected as Saleswoman in the selection process but she was not allowed to join duty. Therefore, she has submitted several representations in this regard and finally filed the present Writ Petition. The prayer in the Writ Petition is for issuance of a Writ of Mandamus for directing the respondents 3 and 4 to permit the petitioner to join as Saleswoman in any one of the Fair Price Shops situated in Kanyakumari District. Notice was ordered.

4.The respondents 1 and 3 have filed their counter affidavit.

5.Today when the matter was taken up for disposal, the concerned official appeared in person and also produced the original records. It is now seen that the petitioner belongs to MBC category. She is a woman candidate. She took part in the interview as per the instructions issued by the Registrar of Co-operative Societies, Chennai. The post on hand can be filled up on the strength of the performance of the candidates in the interview.

6.The specific case of the respondents is that the petitioner had scored only 33 marks. Even though the petitioner was not selected, by mistake, while informing the Employment Exchange, the recruiting authorities had erroneously intimated that the petitioner was selected. When the petitioner was not sponsored by the Employment Exchange later, she was informed that on account of her selection in the year 2012, she lost her ranking in the seniority list of the Employment Exchange.

7.The respondents also filed a sworn affidavit that one candidate, by name, Srija was selected. The petitioner's name is Sheeja. On account of confusion in the nomenclature, wrong information was sent to the Employment Exchange.

8.On account of furnishing of wrong information to the employment exchange, the name of the writ petitioner was deleted from their list. That led the writ petitioner to conclude that she was selected. Based on the same, this writ petition has been filed. Thus, the entire case rests on a non existent premise. The writ petitioner cannot be blamed. However, this Court cannot grant any relief to the writ petitioner. Because, it is seen from the records that the writ petitioner was never selected at any point of time.

9.The learned counsel appearing for the petitioner submits that she had taken part in the current recruitment process and therefore, the fourth respondent can be directed to consider the case of the petitioner for appointment as Saleswoman. This request is reasonable. The fourth respondent is directed to consider the case of the petitioner on merits for appointment as saleswoman.



10. With this observation, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Registrar of Co-operatives Societies,
Chennai.
2. The District Collector,
Kanyakumari District at Nagercoil.
3. The Joint Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.
4. The District Recruitment Bureau for Cooperatives,
Nagercoil, Kanyakumari District.
5. The Assistant Director,
District Employment Exchange,
Nagercoil, Kanyakumari District.

+1CC to Mr. R. Subramanian, Advocate, SR.No. 45087

+1CC to the Special Government Pleader SR.No. 45188

W.P. (MD) No. 7154 of 2015
and

W.M.P. (MD) No. 18620 of 2017
30.01.2018

tsg

AM/SKN RSK/SAR 3/31.01.2018/3P/8C