



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 18316 of 2017

and

W.M.P. (MD). Nos. 14770 & 14771 of 2017

Mariammal

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Project Officer,
Oguvathi,
Tirunelveli District.

3.The Child Development Planning Officer,
Shencottai,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent made in Se.Mu.Na.Ka.No.767/A1/2017 dated 20.09.2017 and quash the same and consequently direct the respondents to allow the petitioner to join duty as her appointment order made in Se.Mu.Na.Ka.No.767/A1/2017 dated 13.09.2017.

For petitioner : Mr.N.Mohideen Basha

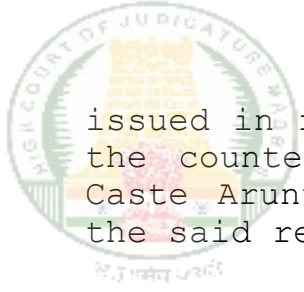
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

Heard the learned Counsel on either side.

2.The petitioner was a candidate, who applied for the post of Aganwadi Assistant in Achanpudur Main Road Centre. The petitioner was given an appointment order dated 20.09.2017. But then when she went to join, she was not allowed. Hence this writ petition was filed.

3. When the matter was taken up for disposal, the learned Special Government Pleader appearing for the respondent submitted that the post in question was earmarked for Scheduled Caste Arundhathiya [SC (A)]. Therefore, the appointment issued in favour of the petitioner was cancelled. A fresh appointment order was



issued in favour of one Sakunthala. It has been averred on oath in the counter affidavit, that this post was reserved for Scheduled Caste Arunthathiyar SC(A) and that the said Sakunthala belongs to the said reserved category.

4. The learned Counsel appearing for the petitioner rightly pointed out that had this been notified in advance, the petitioner would not even have submitted her application.

5. Issuing an appointment order in favour of the petitioner and thereafter cancelling the same on the ground that it was erroneously issued cannot be countenanced by this Court. Yet this Court is not in a position to grant any relief to the petitioner. But then the respondent's conduct had put the petitioner in mental anguish and made her to file the present writ petition also. Therefore, the petitioner will have to be awarded some compensation. A sum of Rs.3,000/- is directed to be paid to the petitioner as token damages for having caused mental anguish to the petitioner. The said sum shall be paid by the second respondent with a period of one week from the date of receipt of a copy of this order.

6. With this direction, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The District Project Officer,
Oguvathi,
Tirunelveli District.
3. The Child Development Planning Officer,
Shencottai,
Tirunelveli District.

+1cc to M/S.N.Mohideen Basha, Advocate SR.No. 45792
+1cc to Special Government Pleader, SR.No. 46172

ORDER MADE IN
W.P. (MD) No. 18316 of 2017
01.02.2018