

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.1092 of 2013

R.Savithri

... Petitioner

vs.

1. The District Collector,
Tiruvannamalai District,
at Tiruvannamalai.

2. The Block Development Officer,
Chengam,
Tiruvannamalai District.

3. Shanthi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of Certiorarified Mandamus, to call for the records relevant to the order in Na.Ka.No.6428/2010/Sa.U.Thi-7-Oo.8, dated 06.08.2012 passed by the 1st Respondent and quash the same as illegal, improper, arbitrary and against the rule of law and thereby, direct the Respondents 1 and 2 to appoint the Petitioner as Assistant under the Puratchi Thalaivar M.G.R. Noon Meal Scheme at Panchayat Union Primary School (Muslim), Chengam, Tiruvannamalai District under the category of Arunthathiyar Community.

For Petitioner : Ms.P.A.Chitramani

For 1st Respondent : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For 2nd Respondent : Mr.G.Mutharasu

For 3rd Respondent : Mr.P.S.Kothandaraman

O R D E R

Petitioner has come forward with this Writ Petition challenging the order dated 06.08.2012 passed by the 1st Respondent in Na.Ka.No.6428/2010/Sa.U.Thi-7-Oo.8 and for a

consequential direction to the Respondents 1 and 2 to appoint her as Assistant under the Puratchi Thalaivar M.G.R. Noon Meal Scheme at Panchayat Union Primary School (Muslim), Chengam, Tiruvannamalai District under the category of Arunthathiyar Community.

2. It is stated by the Petitioner that she belongs to Scheduled Caste (Arunthathiyar) Community and that her husband is working as Cobbler. On coming to know that Respondents 1 and 2 have notified more than 22 posts for the appointment of 'Assistant' in Puratchi Thalaivar M.G.R. Noon Meal Scheme at Panchayat Union Primary School (Muslim), Chengam, Tiruvannamalai District and that the post will be filled up with candidates belonging to Scheduled Caste (Arunthathiyar) Community, the Petitioner applied to the said post and attended the interview with requisite Certificates. Along with the Petitioner, two other candidates viz. Shanthi, the 3rd Respondent herein and one Anjali attended the interview.

3. According to the petitioner, she is the only person belonging to Arunthathiyar (S.C.) Community and the other two candidates, who attended the interview belong to Scheduled Caste Adi-Dravidar Community. As the 3rd Respondent was appointed to the said post in the Panchayat Union Primary School at Chengam, challenging the same that the 3rd Respondent has been appointed without any rhyme or reason, the Petitioner has come up with the above Writ Petition.

4. The 3rd Respondent has filed counter affidavit and has stated that the Petitioner and six others attended the interview on 02.08.2012. While awarding marks, the Committee has taken into consideration the nearest distance of the candidates' residence to the Noon Meal Centre, Marital Status, whether differently-abled person, having own house, details of Earning Family members, Dependants and whether supported by anyone. It is further stated that the distance between the residence of the 3rd Respondent and the Noon-Meal centre is 1 km, whereas, the petitioner's house is located at a distance of 2 ½ kms to the Noon-Meal centre.

5. The 3rd Respondent has further stated in the counter that though the writ petitioner belongs to Scheduled Caste (Arunthathiyar) Community, her husband is supporting her and that the 3rd Respondent is a widow, on whom three family members are dependent and none of them is earning. Also, the 3rd Respondent was awarded 66 marks, whereas, the Petitioner was awarded 40 marks by the Committee. Hence, based on the marks obtained in the interview, the 3rd Respondent was appointed by the 1st Respondent vide proceedings dated 06.08.2012.

6. In the counter filed by the 2nd Respondent, it is stated that the vacancy to the post of 'Assistant' under the Puratchi Thalaivar M.G.R. Noon Meal Scheme was reserved to Scheduled Caste (Arunthathiyar)/Scheduled Caste candidates and in case, no suitable Scheduled Caste (Arunthathiyar) candidate is available in the selection process, Scheduled Caste Community candidate can be appointed to the post of Cooking Assistant. As the Petitioner was not qualified in the interview and that the 3rd Respondent, who is a widow belonging to SC Community was only qualified, she was selected in the above said category.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. It is not in dispute that the Petitioner belongs to Scheduled Caste (Arunthathiyar) Community and the 3rd Respondent belongs to Scheduled Caste Community. As per the Notification, preference will have to be given to candidates belonging to Scheduled Caste (Arunthathiyar) Community and if no candidate is available, candidates belonging to Scheduled Caste Community will be given a chance. It is seen that the Petitioner participated in the interview held on 02.08.2012 along with six others and she scored 40 marks, while the 3rd Respondent scored 66 marks. Merely because preference has to be given to Scheduled Caste (Arunthathiyar) candidates, it does not mean that the Petitioner has to be appointed. Appointment has to be made taking note of the totality of the circumstances, say the marital status of the candidates, number of dependents, their income and other aspects.

9. Hence, this Court does not find any justification on the part of the Petitioner to seek appointment to the post of Assistant under the Puratchi Thalaivar M.G.R. Noon Meal Scheme, when she is not successful in the interview conducted by the official Respondents. Accordingly, the Writ Petition fails and stands dismissed. No costs.

सत्यमेव जयते

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)

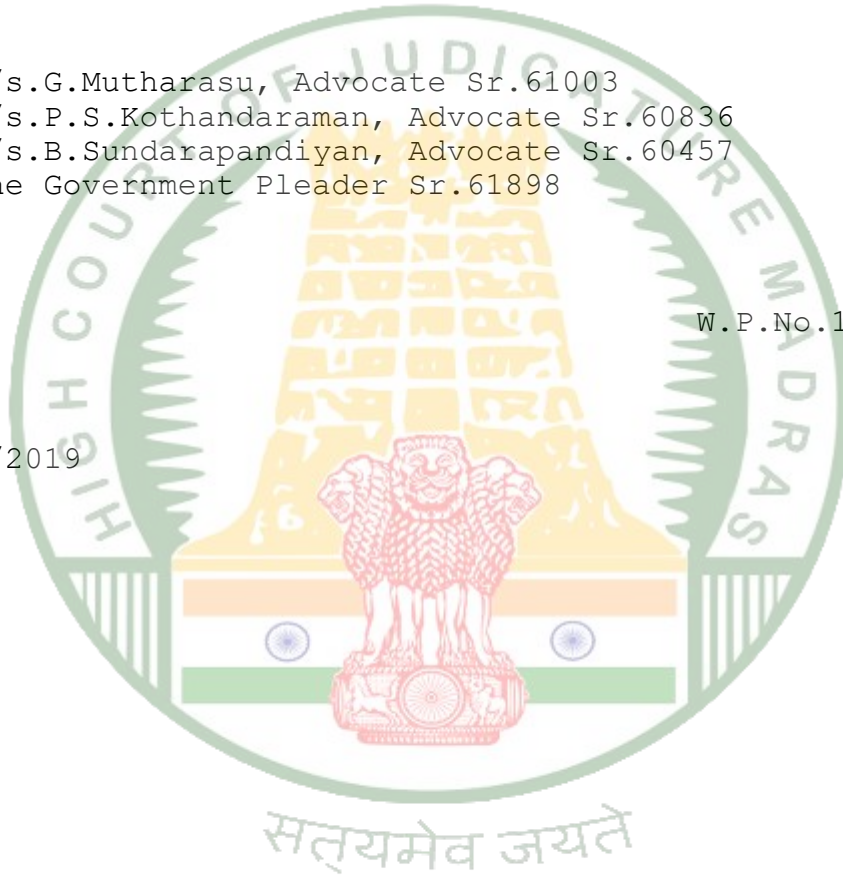
To:

1. The District Collector,
Tiruvannamalai District,
at Tiruvannamalai.
2. The Block Development Officer,
Chengam, Tiruvannamalai District.

+1cc to M/s.G.Mutharasu, Advocate Sr.61003
+1cc to M/s.P.S.Kothandaraman, Advocate Sr.60836
+1cc to M/s.B.Sundarapandiyan, Advocate Sr.60457
+1cc to the Government Pleader Sr.61898

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