

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.881 of 2018
and
W.M.P.Nos.1065 & 1066 of 2018

P.Rajeswari

... Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The Block Development Officer,
Morappur Panchayat Union,
Harur Taluk,
Dharmapuri District.

3. Bharathi

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Order passed by the 2nd respondent in Na.Ka.No.576/2017/A7 dated 19.11.2017 by appointing the 3rd respondent as Noon Meal Organizer at Panchayat Union Elementary School, Kathirnayakkanahalli, Morappur Panchayat Union, Dharmapuri District is concerned and to quash the same and consequently, direct the 2nd respondent to appoint the petitioner as Noon Meal Organizer at Panchayat Union Elementary School, at Kathirnayakkanahalli, Morappur Panchayat Union, Dharmapuri District based on the interview dated 18.07.2017.

For Petitioner: Mr.C.Prabakaran

For R1 and R2 : Mr.R.S.Selvam
Government Advocate

ORDER

The grievance of the Writ Petitioner is that the marks awarded to the Writ Petitioner with reference to the distance criteria was wrongly given.

2. At the outset, the learned counsel for the Writ Petitioner states that the selection process was conducted in violation of the procedures stipulated in the Government Orders and the Committee has appointed the 3rd respondent on extraneous consideration and without considering the merits established by the Writ Petitioner during the process of selection. The priority for widow category also has not been given and the 3rd respondent is not a widow. These aspects were not considered, therefore, the Writ Petitioner is constrained to move the present Writ Petition.

3. The counter affidavit filed by the 2nd respondent states that the process of selection was strictly conducted by following the procedures stipulated in the Government Orders.

4. In view of the fact, the Writ Petitioner was residing 10 kilometers away from the Noon Meal Center, her case was not considered. The factual aspects narrated has not been disputed by the learned counsel for the Writ Petitioner by stating that the learned counsel is also belongs to the very same locality and he has got personal knowledge about the distance. Trusting the learned counsel for the Writ Petitioner, this Court is of the opinion that the District Collector has to verify all these aspects in the interest of justice and to provide substantial justice to the Writ Petitioner in the matter of securing public employment.

5. Undoubtedly, this Court cannot adjudicate the disputed facts and circumstances now raised by the respective parties to the lis on hand. Thus, all such factual disputes have to be considered by verifying the original documents and by adducing evidences before the office of the District Collector. The Writ Petitioner is permitted to submit a detailed representation setting out all the grounds before the District Collector/the 1st respondent, Dharmapuri District, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation/appeal from the Writ Petitioner, the District Collector shall conduct an enquiry by affording an opportunity to all the parties, including the Writ Petitioner as well as the 3rd respondent and pass orders on merits and in accordance with law, and communicate the same to the parties concerned. The said exercise shall be done within a period of 12 weeks from the date of receipt of the petitioner's representation.

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Block Development Officer,
Morappur Panchayat Union,
Harur Taluk,
Dharmapuri District.

+1cc to Mr.R.S.Selvam, Advocate, S.R.No.9887

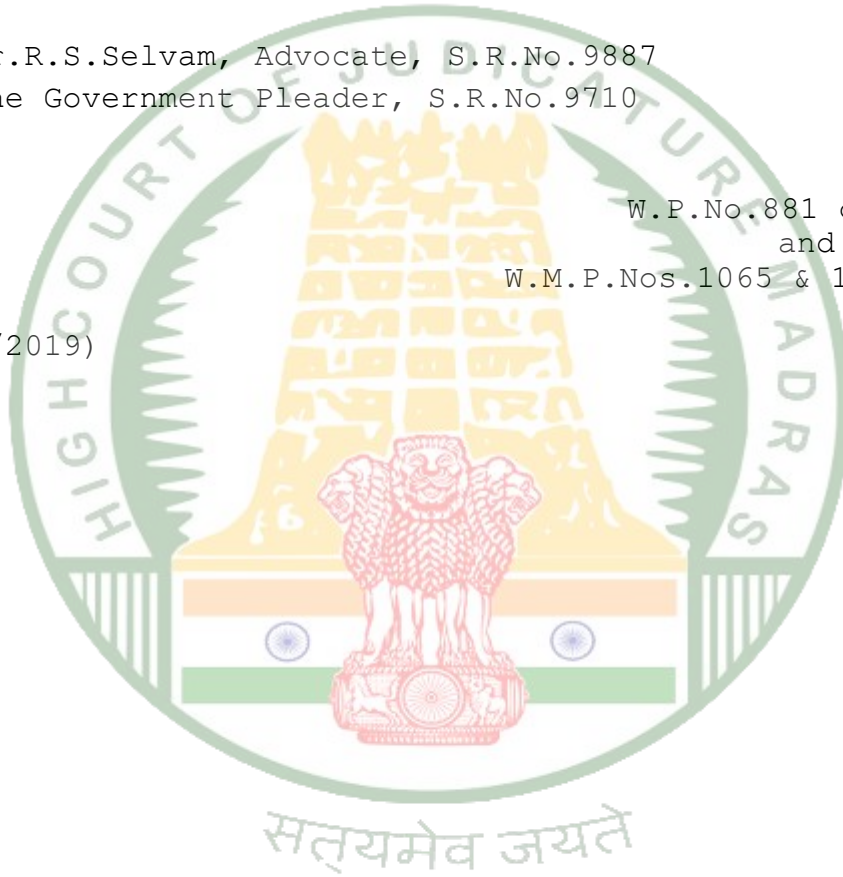
+1cc to the Government Pleader, S.R.No.9710

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and

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