

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.4023 of 2013

P.Manimegzalai

.. Petitioner

.Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Block Development Officer,
Nallampalli,
Dharmapuri Taluk and District.

3.S.Deepa

.. Respondents

PRAYER:Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating the Impugned Order by the first respondent dated 25.09.2012 made in Na.Ka.No.11393/2012/X-1 to quash the same and consequently direct the first respondent to restore an order passed by the first respondent dated 21.08.2012 made in Na.Ka.No.11393/2012/X-1 enabling the petitioner to work as Noon Meal Organizer at Panchayat Union Elementary School, Karumpatti, Dharmapuri District.

For Petitioner : Mr.C.Prabakaran

For R 1 : Mr.A.Zakir Hussain
Government Advocate

For R 2 & R 3 : Ms.M.E.Rani Selvam

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O R D E R

The instant writ petition challenges the removal of the petitioner and appointment of the respondent no.3 as Noon Meal Organizer at Kurumpatti Panchayat Union Primary School in Nellampalli Union.

2.The undisputed facts are that an interview for the post of Noon Meal Organizer at Kurumpatti Panchayat Union Primary School in Nellampalli was conducted on 07.08.2012. The petitioner belongs to SC (Hindu Adi-Dravidar) Community. She was selected based on the marks obtained by her in the interview. Appointment order was issued on 21.08.2012. After the petitioner was appointed, it was found that the post had been reserved for SC (Arunthathiyar) Community. Respondent No. 3 was an SC (Arunthathiyar) Community who had appeared for the interview had obtained more marks in her category, and she was appointed in the place of the petitioner. Challenging her removal and consequent appointment of respondent No.3, dated 25.09.2012, the instant writ petition has been filed.

3.The learned counsel for the petitioner states that the petitioner could not be removed from the services without following the due process of law as no notice was given to the petitioner and no enquiry was conducted.

4.On the other hand, the learned counsel for the respondents would state that interview was conducted on 07.08.2012 and 08.08.2012. By communal rotation and as per G.O.Ms.No.142 P & AR Dept., dated 14.10.2009, the post of Noon Mean Organiser at Kurumpatti Panchayat Union Elementary School allotted to was reserved for SC (Arunthathiyar) candidates. The respondent No.3 had scored highest marks was selected for the said post, and therefore, she has been appointed in the place of petitioner.

5.Though the petitioner is right in her contention that she cannot be removed without giving her notice, this Court feels this notice would only result in a mere formality in as much as the petitioner is not SC (Aruthathiyar) Community. Admittedly, as per communal rotation, the post was to be given to SC (Arunthathiyar). This Court therefore feels that in this case giving a notice to the petitioner would be only a formality. The writ petition is therefore dismissed. No costs.

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s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Block Development Officer,
Nallampalli,
Dharmapuri Taluk and District.

+1 CC to The Govt. Pleader sr 86087

+1 CC to Mr.C.Prabakaran, Advocate sr 85896

+1 CC to Mr.M.E. Raniselvam, Advocate sr 85774

W.P.No.4023 of 2013

PA (CO)
SP (27/11/2019)



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