

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 24.06.2019

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.10203 of 2019

&

W.M.P.No.10763 of 2018

A.Rukumani

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary,
Department of Social Welfare and
Nutritious Meal Programme,
Fort St.George, Chennai - 600 009.

2. The District Collector,
Thiruvannamalai District.

3. The Project Director,
Integrated Child Development Service (ICDS),
Thiruvannamalai,
Thiruvannamalai District.

4. The Block Development Officer,
Jawad Hills Panchayat Union,
Thiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of certiorarified mandamus calling for the entire records of second respondent in Na.Ka.Sa.voo.Thi-1/16239/2018 dated 13.02.2019 and quash the same and consequently direct the second respondent to reinstate the petitioner as noon meal organizer at Panchayat Union School, Odamangalam Village, Thiruvannamalai District and pay consequential service and monetary benefits including arrears of salary.

For Petitioner : Mr.Sellapandian,
for K.Karuppaiya Mooppanar
(for R.1 to R.3)

For Respondents : Mr.J.Pothiraj,
Special Government Pleader
Mr.A.N.Thambidurai,
Special Government Pleader
(for R.4)

ORDER

The relief sought for in the present writ petition is to call for the entire records of second respondent in Na.Ka.Sa.voo.Thi-1/16239/2018 dated 13.02.2019 and quash the same and consequently direct the second respondent to reinstate the petitioner as Noon Meal Organizer at Panchayat Union School, Odamangalam Village, Thiruvannamalai District and pay consequential service and monetary benefits including arrears of salary.

2. The petitioner, in pursuance of the selection conducted in 2016, was appointed as Noon Meal Organizer under "Puratchi Thalaivar MGR Noon Meal Scheme". According to her, she studied upto X Standard. Her appointment was on the basis of the selection process, by interviewing the petitioner. Only on verification of the certificates produced at the time of interview, she came to be appointed on 01.03.2016.

3. After her appointment, the petitioner has worked continuously for about three years and has also completed her probation. While so, by order dated 13.02.2019, the services of the petitioner came to be terminated. The termination was on the basis that the petitioner has given false information for getting appointment order.

4. According to the petitioner, since no opportunity was given to her before passing of the dismissal order, she is before this Court with this writ petition.

5. Mr.Sellapandian, learned counsel appearing for the petitioner, submitted that although the dismissal order came to be passed in accordance with law, the petitioner had submitted a representation to the second respondent for consideration of appointment to any suitable post on the basis of her qualification and the second respondent may be directed to consider the said representation, within the time period to be stipulated by this Court.

6. On notice, Mr.J.Pothiraj, learned Special Government Pleader entered appearance for respondents 1 to 3 and Mr.A.N.Thambidurai, learned Special Government Pleader entered appearance for fourth respondent.

7. In view of the limited submission made on behalf of the petitioner by the learned counsel, this Court, without going into the merits of the claim of the petitioner, passes the following direction.,

(i) The second respondent or any other competent authority, who were arrayed as respondents in this writ petition, is directed to consider the representation to be submitted by the petitioner for appointment to any suitable post in commensurate to her qualification.

(ii) In this regard, the petitioner is directed to submit a representation within a period of one week from the date of receipt of copy of this order. On such representation being made by the petitioner, the second respondent or any other competent authority shall consider the same, on merits and in accordance with law pass an order, within a period of four weeks from the date of receipt of copy of this order.

(iii) The second respondent or any other competent authority shall take into consideration the age of the petitioner, her service as Noon Meal Organizer for three years and consider the claim of the petitioner with due sympathy.

8. The writ petition stands disposed of as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

mrn

Index:Yes/No

To

1.The Secretary to Government,
Department of Social Welfare and
Nutritious Meal Programme,
Fort St.George, Chennai - 600 009.

2. The District Collector,
Thiruvannamalai District.
3. The Project Director,
Integrated Child Development Service (ICDS),
Thiruvannamalai,
Thiruvannamalai District.
4. The Block Development Officer,
Jawad Hills Panchayat Union,
Thiruvannamalai District.

+1cc to Mr.K.Karuppaiya Mooppanar , Advocate SR.No. 57401

+1 cc to Government Pleader Sr.No. 52838

W.P.No.10203 of 2019

&

W.M.P.No.10763 of 2019

A.SK(05/07/2019)



WEB COPY