

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition No.777 of 2018 and W.P.No.1837 of 2018

Mrs.V.Indumathi,
D/o.Vediyappan,
No.129, Arasu Marath Street,
Puliampatti Post,
Chengam Taluk,
Thiruvannamalai District.

.. Petitioner in both the contempt petition
and the writ petition

-vs-

1. Dr.K.Manivasan, I.A.S.,
The Government of Tamil Nadu
rep by its Secretary
Social Welfare and Nutrition Meals
Department
Secretariat
Chennai 600 009

2. Mr.S.Kandasamy, I.A.S.,
The District Collector
Thiruvannamalai District
Thiruvannamalai

3. Mrs.Padma
The Child Development Project Officer
Chengam Taluk
Thiruvannamalai District

.. Respondents in the contempt petition

1. The Secretary to Government
Social Welfare and Nutrition Meals
Department
Secretariat
Chennai 600 009

2. The District Collector
Thiruvannamalai District
Thiruvannamalai

3. The Child Development Project Officer
Chengam Taluk
Thiruvannamalai District

.. Respondents in the writ petition

Contempt Petition No.777 of 2018 is filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for wilful disobedience of the order of this Court dated 01.02.2018 made in W.P.No.1837 of 2018.

Writ Petition No.1837 of 2018 is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to allow the petitioner to join the duty as Primary Anganwadi Worker at Puliampatti Centre, Chengam Taluk, Thiruvannamalai District as per the appointment order of second respondent in proceedings No.SE.Mu.Na.No.1892/A1/2017 dated 18.01.2018 within the time frame fixed by this Hon'ble Court.

For Petitioner :: Mr.A.Edwin Prabakar

For Respondents :: Mr.V.Jayaprakash Narayanan
Government Pleader In-charge

ORDER

Mrs.V.Indumathi, D/o VEDIYAPPAN, hailing from Hindu Adi-draavidar community, was selected for the post of Primary Anganwadi Worker in the month of January, 2018 after considering the requisite qualification possessed by the petitioner and also the performance of the petitioner before the selection committee. The learned counsel for the petitioner submitted that when the petitioner received the appointment letter on 22.1.2018 from the first respondent vide proceedings No.SE.Mu.Na.No.1892/A1/2017 dated 18.1.2018 directing her to join duty before the third

the order of appointment by producing the physical fitness certificate, transfer certificate, mark statement, community certificate, widow/destitute widow/disability certificate, the petitioner went to the office of the third respondent on 23.1.2018 and produced the requisite documents for verification. But to the shock and surprise of the petitioner, the third respondent refused the petitioner to join without any rhyme or reason. Mr.Edwin Prabakar further submitted that when the petitioner was selected and issued with the appointment order, the respondents cannot prevent the petitioner from joining duty, citing a reason that the petitioner has suppressed the vital information that her husband was serving as a teacher in the Government school. Although the petitioner's husband is serving as a teacher in Government school, when the spouses of similarly placed candidates who were selected and appointed are also working in Government service, the petitioner alone cannot be discriminated. She has also filed an additional affidavit stating that Mr.Kumaresan, the husband of Mrs.Sujitha is working as a teacher in Government Panavolapatti High School, Thiruvannamalai. Likewise, Mr.Selvaraj, the husband of Mrs.Shoba is working as Secretary of Cooperative Milk Society. Similarly, Mr.Sankar, the husband of Mrs.Rajeswari is working in Indian Army and Mr.Ramajeyam, the husband of Mrs.Thilagavathy is working as a Science teacher in Pudupalayam High School, Thiruvannamalai

District. When the appointments given to these four candidates were not disturbed, the petitioner alone cannot be discriminated arbitrarily. Therefore, the refusal of the respondents and the consequent prevention of the petitioner from joining duty is wholly untenable and unacceptable. Hence, a writ of mandamus be issued directing the respondents to allow the petitioner to join duty as a Primary Anganwadi Worker at Puliampatti Centre, Chengam Taluk, Thiruvannamalai District.

2. Although this Court, while entertaining the writ petition, was pleased to grant an interim order of status quo directing the respondents not to appoint anyone till further orders, when the contempt petition was filed complaining that the post directed to be kept vacant has been filled up by the respondents, both the contempt petition and the main writ petition are taken up for final disposal with the consent of the learned counsel on either side.

3. Detailed counter affidavits filed by the second respondent in both the contempt petition as well as the writ petition and the additional affidavit filed by the petitioner were perused by this Court. Mr.V.Jayaprakash Narayanan, learned Government Pleader in-charge for the respondents submitted that the contention raised by the petitioner that the respondents have left out the cases of

the four candidates whose spouses are working in Government departments, is not factually correct. On specific verification, based on the complaint of the petitioner, it was found that except the case of Mrs.Rajeswari, whose husband Mr.Sankar is working in Indian Army, the particulars furnished by the petitioner in respect of three other candidates that their spouses are working in Government service is found to be incorrect. The learned Government Pleader in-charge for the respondents submitted that the statement made by the petitioner that Mr.Kumaresan, the husband of Mrs.Sujitha is permanently employed as a Government teacher is not correct, because he is working only as a part-time drawing teacher. Similarly, the statement of the petitioner that Mr.Selvaraj, the husband of Mrs.Shoba is working as the Secretary of Cooperative Milk Society is also not correct, because he is only engaged as part-time employee on daily wages. Likewise the statement made by the petitioner that Mr.Ramajeyam, the husband of Mrs.Thilagavathy is permanently employed as a Science teacher in Pudupalayam High School is entirely false, because he is not at all employed. Whereas in the case of the petitioner, her husband is permanently employed as a Government teacher in Chettithangal Government School.

4. It is at this stage, the learned counsel for the

petitioner also fairly submitted that the respondents have not even permitted the similarly placed persons, whose

spouses or relatives are working in Government departments, to join duty, although they were selected.

5. When the petitioner does not dispute the fact that her husband is working as a Government teacher and the learned counsel for the petitioner also fairly submitted that the respondents have not permitted the similarly placed persons, whose spouses or relatives are working in Government departments, to join duty, although they were selected, this Court finds no merit in both the writ petition and the contempt petition. Accordingly, both the writ petition and the contempt petition are dismissed. Consequently, interim order stands vacated and the W.M.P.No.2284 of 2018 is also dismissed. No costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ss

//Certified to be true copy//

Dated at Madras this the 25th day of September 2019.

COURT OFFICER (O.S.)

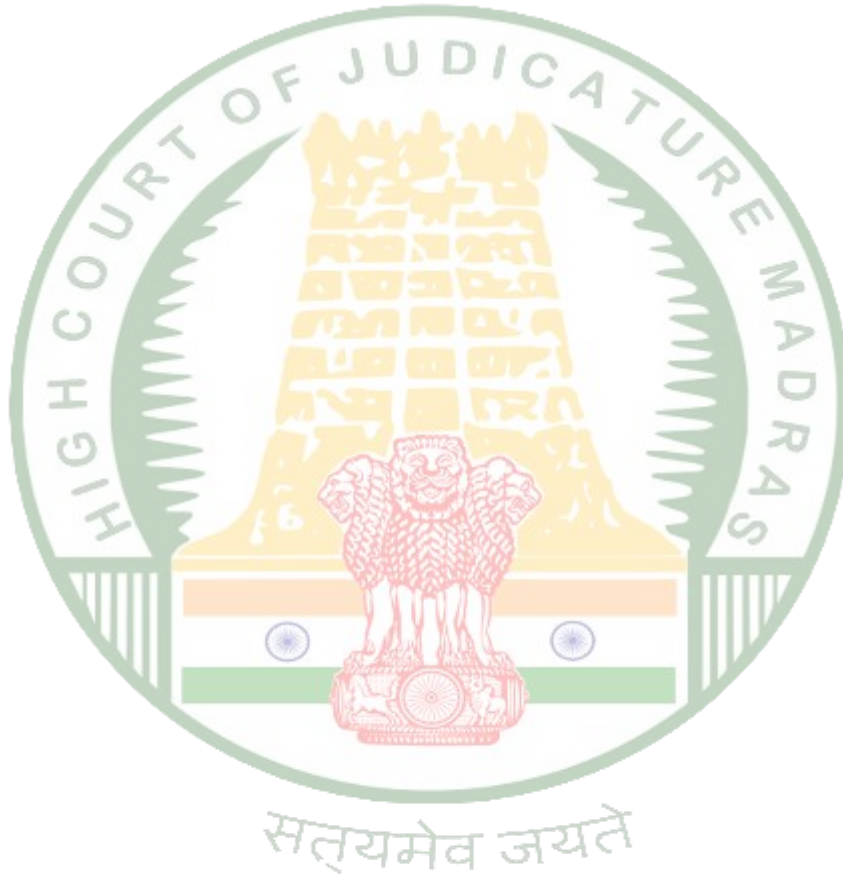
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Sm/03/06/2019

To

1. The Secretary to Government
Department of Social Welfare and Nutrition Meals
Department
Secretariat, Chennai 600 009.

2. The District Collector
Thiruvannamalai District
Thiruvannamalai
3. The Child Development Project Officer
Chengam Taluk
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