

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.23867 of 2018
and
WMP.No.27818 of 2018

Manjula

...Petitioner

vs

1. The District Collector,
Cuddalore, Cuddalore District.
2. The Commissioner,
Panchayat Union Anna Village,
Cuddalore District.
3. The Block Development Officer,
Annagrammam village,
Cuddalore, Cuddalore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, call for the records in Na.Ka.No.A5/00260/17, on 05.06.2018 passed by the 3rd respondent and to quash the same and directing the respondents to appoint the petitioner in the post of organizer (Sathunavu Amaipalar) at Panchayat Union Primary School at Pakiripalayam, Cuddalore District.

For Petitioner : Mr. J. Milton Arul Rajendran

For Respondents : Mr. A. N. Thambidurai,
Spl. Govt. Pleader for R1 - R2
Mr. E. Neelakandan
Govt. Advocate for R3

O R D E R

The relief sought for in the present writ petition is to quash the order of rejection dated 05.06.2018, passed by the 3rd respondent and to direct the respondents to appoint the writ petitioner in the post of Noon Meal Organiser.

2. The grievances of the writ petitioner is that, he belongs to BC category and eligible to avail the benefits of priority to the post of Noon Meal Organiser. However, the case of the writ petitioner was not considered under the priority category and therefore, he was not selected. Thus, the writ petitioner is constrained to move the present writ petition.

3. The learned Special Government Pleader appearing on behalf of the respondents states that, the writ petitioner had submitted an application to participate in the process of selection. The writ petitioner also attended the interview conducted by the Competent Authorities. However, the writ petitioner did not submitted any certificate or document in support of her claim for eligibility under priority. The interview was conducted between 23.02.2017 and 24.07.2017. However, the writ petitioner submitted the priority certificate in support of her claim only on 05.06.2018, after a lapse of one year from the date of conduct of interview.

4. Under those circumstances, the certificates submitted by the writ petitioner after a lapse of one year from the date of interview was rejected and accordingly, there is no infirmity as such in respect of the impugned order passed by the 3rd respondent. In paragraph No.8 of the counter affidavit, the respondents states that, the Noon Meal Organiser post of Pakiripalayam Panchayat Union Primary School has not been filled up, as no candidate fulfilling the condition prescribed was found eligible. Hence the appoint of the post of Organiser Sathunavu Amaipalar does not arise at all.

5. The fact remains that, the said post of Organiser is still vacant and under these circumstances, the Competent Authorities has to conduct a fresh recruitment for the purpose of filling up of the post of Organiser in that particular place. In the event of issuing any such recruitment notification to fill up the post, the writ petitioner is also at liberty to participate in the process of selection, if he is otherwise qualified and eligible in accordance with the Rules in force.

6. With these observations, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The District Collector,
Cuddalore, Cuddalore District.
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3. The Block Development Officer,
Annagrammam village,
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+lcc to the Government Pleader Sr.28021

+lcc to Mr.J.Milton Arul Rajendran, Advocate Sr.27601

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srg 11/06/2019



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