

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.A.No.2068 of 2019

SOUNDRAVALLI

... Appellant/Petitioner

Vs

1 THE DISTRICT COLLECTOR
CUDDALORE DISTRICT CUDDALORE-1

2 THE COMMISSIONER-CUM-BLOCK D
EVELOPMENT OFFICER VIRUDHACHALAM PANCHAYAT
UNION VIRUDHACHALAM TOWN AND TALUK
CUDDALORE DISTRICT-606001

.... Respondents/Respondents

Writ Appeal filed to set aside the order passed in WP
No.20083 of 2018 dated 6.3.2019.

WP.NO.20083 OF 2018:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarifid Mandamus, to call for the records in relating to the 2nd respondent notification proceeding in Na.Ka.No.A4/485/2018 dated 28.03.2018 and consequentially call for Notification Proceeding of the 1st respondent in Na.Ka.No.PD1/298/2016 dated 09.07.2018 and quash the same and direct the 1st respondent to consider the petitioner's application dated 08.02.2017 and appoint the petitioner as a Noon Meal Organizer at Adi-Dravida Welfare Primary School, Edachitur Village, Virudhachalam Taluk, Cuddalore District.

For appellant : Mr.G.Anabayachozhan

For Respondents : Mr.Sakthivel,
Addl. Government Pleader

J U D G M E N T
(made by K.K.SASIDHARAN, J.)

The appellant challenged the notification cancelling the recruitment to the post of noon meal organizer, before the writ court in W.P.No.20083 of 2018. The writ petition was dismissed on the ground that the appellant has no legal right to challenge the cancellation of the notification on account of her participation in the selection process. The said order is the subject matter of this intra court appeal.

2. The District Collector, Cuddalore, issued a notification for appointment to the post of noon meal organizer. The appellant, pursuant to the said notification, submitted her application. She was subjected to interview on 24 February 2017 and thereafter, the respondent cancelled the very selection process. The appellant therefore approached the writ court.

3. Before the writ court, the respondents contended that altogether, seven applications were received for appointment to the post of noon meal organizer at Edachithur Village. The administration found that six applicants were ineligible. The appellant was the only eligible candidate. The respondents therefore cancelled the very notification. Similarly, the applications relating to other centres were also cancelled. The learned Single Judge accepted the explanation and dismissed the writ petition.

4. Before this Court, the appellant demonstrated that under similar circumstances, notwithstanding the fact that there were only two candidates, appointment was made without cancelling the selection process. We therefore, directed the District Collector, Cuddalore, to file his response and pursuant to our direction, Personal Assistant to the District Collector, filed a report admitting the factual position with respect to the noon meal centre at Panchayat Union Elementary School, Mu.Agaram Colony, Vridhachalam. There were totally 28 applications. The administration shortlisted two eligible candidates. Thereafter, interview was conducted. Tmt.Sathya was the only candidate who appeared for the interview. She was selected and appointed as noon meal organizer. However, the respondents took a contrary stand in the case of the appellant. The appointment to the noon meal organizer in the Adi Dravida Welfare Primary School, Edachitur, was cancelled only on the ground that six applications were rejected. The surviving application was the one submitted by the appellant. However, altogether a different stand was taken in the case of noon meal centre attached to the

Panchayat Union Elementary School, Mu.Agaram Colony, Vridhachalam Taluk. Tmt. Sathya was appointed notwithstanding the fact that she alone attended the interview.

5. Since mala fides is writ large, we directed the Appointing Authority to appear before us in person, along with the records. Accordingly, the Personal Assistant to the District Collector, Cuddalore, who is stated to be the Appointing Authority, appeared before us.

6. When the case of Tmt.Sathya was put to him, the Appointing Authority fairly submitted that the appellant is also similarly situated and as such, action would be taken to appoint her as noon meal organizer. Accordingly, the hearing of the appeal was adjourned.

7. When the appeal is taken up for hearing today, the learned Government Pleader produced a copy of the order dated 29 August 2019, appointing the appellant as Noon meal organizer at Adi Dravida Welfare Primary School, Edachitur. The order dated 29 August 2019 is taken on file.

8. The respondents rectified their mistake and appointed the appellant. In view of the subsequent events, culminating in appointing the appellant in the post of noon meal organizer, there is no need for a factual adjudication.

9. The intra court appeal is disposed of with the above observation. No costs. Consequently, C.M.P.No.13919 of 2019 is closed.

सत्यमेव जयते Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1 THE DISTRICT COLLECTOR
CUDDALORE DISTRICT, CUDDALORE-1

2 THE COMMISSIONER-CUM-
BLOCK DEVELOPMENT OFFICER
VIRUDHACHALAM PANCHAYAT UNION
VIRUDHACHALAM TOWN AND TALUK
CUDDALORE DISTRICT-606001

+1cc to Government Pleader, in SR.No.76113

W.A.No.2068 of 2019

RSI (CO)
CS/02/12/2019



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