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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.9633 of 2012

and

M.P. (MD) .No.2 of 2012

P.Mariammal

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Commissioner,
Pudur Panchayat Union,
Pudur.

3.P.Banumathi

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records pursuant to the impugned order of the 1st respondent in Va.9/21594/2012 dated 04.07.2012 in appointing the 3rd respondent as the Anganwadi Helper (Cooking Assistant) and quash the same and further direct the first respondent to appoint the petitioner for the post of Anganwadi Helper (Cooking Assistant) in the noon meal centre at Panchayat Union Primary School, Sakkilipatti, Pudur.

For Petitioner : Mr.Lakshmi Gopinathan
For R1 and R2 : Mr.C.Ramar
Additional Government Pleader



and appointing the third respondent as Cooking Assistant in proceeding dated 04.07.2012, is under challenge in the present writ petition.

2. The writ petitioner states that she is a differently abled person and participated in the process of selection for appointment to the post of Cooking Assistant in the Pudur Panchayat Union. The petitioner has also participated in the process of selection and attended the interview held on 03.07.2012. However, the respondents 1 and 2 appointed the third respondent in the said post for Cooking Assistant, despite the fact that the writ petitioner is residing very nearest to the Centre and the third respondent is residing away from the Centre.

3. The learned counsel for the writ petitioner states that the respondents 1 and 2 have failed to follow the procedures contemplated in G.O.Ms.No.110 dated 14.05.2012. The writ petitioner is more suitable person and she has been denied the opportunity of getting the appointment to the post of Cooking Assistant.

4. The learned Additional Government Pleader appearing on behalf of the respondents opposed the said contention by stating that the applications were invited for 153 posts as Cook Assistants in PTMGR Nutritious Meal Programme in Thoothukudi District. The writ petitioner also submitted her application and participated in the process of selection. Five persons including the petitioner attended the interview for the post of Cook Assistant in P.U.Primary School Sakkilipatti Panchayat Union, Pudur and the third respondent was selected under the widow category by the Selection Committee, as per the guidelines issued by the Government vide G.O.Ms.No.163 Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010. In respect of the appointment, it is stated that 3% of the appointments shall be allotted for the differently abled person, as per G.O.Ms.No.142, dated 06.07.2012. Out of 153 posts, 8 persons were already selected (around 5%) and appointed under the category of differently abled person, which is more than 3% of allocation. Further, it is stated that the G.O.Ms.No.110, dated 14.05.2012, is only applicable to select Anganwadi Staffs and not applicable to PTMGR Nutritious Meals Staffs. The Government have issued instructions to fill up the vacancies under PTMGR Noon Meals Scheme vide G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.08.2010.

5. This being the factum established, this Court is of the considered opinion that the writ petitioner has not established any patent irregularity or illegality in the matter of selection. This apart, the third respondent, who has appointed in the year 2012, is now working as Cooking Assistant for the past more than 6 years in the Centre. Under these circumstances, this Court is not inclined to unsettle the issue, which was already settled long back and further, the petitioner has not established any acceptable legal grounds for



the purpose of considering the relief as such sought for in the writ petition.

6. With the above observation, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The Commissioner,
Pudur Panchayat Union,
Pudur.

+1cc to M/s. Special Government Pleader, SR.No. 75693

W.P. (MD) No. 9633 of 2012

and

M.P. (MD) .No. 2 of 2012

15.07.2019

NS

KK/SAR/25.07.2019/3P-4C