



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.1703 of 2014

K.C.Muthukamatchi

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.M.Manjula

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated Nil.06.2012 made in Na.Ka.R3/38/2012 passed by the first respondent and quash the same and consequently direct the first respondent to appoint the petitioner for the post of Noon Meal Organiser.

For Petitioner : Mr.P.Arun Jayatram

For Respondent No.1 : Mr.D.Muruganantham

Additional Government Pleader

For Respondent No.2 : Mr.T.S.Mohammed Mohideen

O R D E R

The order of appointment dated June 2012 issued by the first respondent appointing the second respondent as Noon-meal organiser is under challenge in the present writ petition.

2.The learned Counsel for the petitioner made a submission that the petitioner had completed her S.S.L.C in the year 1989 and registered her name in the employment exchange on 20.06.1989. She completed Higher Secondary examination also. The writ petitioner is periodically renewing her employment registration. Pursuant to the advertisement made by the first respondent for appointment to the post of Noon-meal organiser, the name of the writ petitioner was sponsored by the employment exchange and she participated in the interview on 23.06.2012.

3.The contention of the writ petitioner is that the interview marks were improperly granted and even the employment registration was erroneously stated as far as the second respondent is concerned. The second respondent registered her name in the year 2002 and it was erroneously stated as 1990. In this regard, the writ petitioner relied on the employment



registration card of the second respondent which is enclosed in page No.20 of the typed set of papers filed along with the writ petition. Learned Counsel for the writ petitioner further states that the selection itself was improper and therefore, the appointment order is to be scrapped.

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4.On a complete perusal of the employment registration card of the second respondent, it is stated that registration was made on 15.05.1990. Thus, the selection authority had rightly entered the registration year of the second respondent in the interview register. Thus, the very claim of the writ petitioner that the second respondent has not registered her name in the employment register during the year 1990 is not correct. The subsequent registration was made in the year 2002 with reference to the additional qualifications secured and therefore, the original register is to be considered for the purpose of sponsoring the candidate with reference to the qualifications prescribed for selection to the post of Noon-meal organizer.

5.Another ground raised is that the second respondent is not having two female children. The learned Additional Government Pleader also stated that the said fact was erroneously mentioned and even in that case, the petitioner cannot be selected at this length of time as the selection was conducted in the year 2013 and the second respondent is working for the past more than 6 years.

6.Learned Counsel appearing on behalf of the second respondent also states that the second respondent is suffering from serious ailments and she lost her husband recently. The job is the only source of her income and further, she had not suppressed any facts before the selection committee at the time of conducting the interview. She produced all the documents and for the wrong entry made by the interview committee, the second respondent cannot be faulted. In view of the fact that she had not suppressed any fact, and she participated in the interview, an appointment order was issued, and accordingly, the second respondent is working for the past 6 years. It is stated that if at all any mistake is committed by the authorities concerned, regarding registering of the particulars of the second respondent, the second respondent cannot be held responsible and therefore, the claim of the writ petitioner cannot be accepted.

7.This Court is of the considered opinion that with reference to the year of registration in employment exchange, there was no error as the second respondent registered her name in the employment exchange during the year 1990. In respect of the year ground, the second respondent is not responsible and in any case, the writ petitioner cannot be now appointed after a lapse of six years from the date of selection as the select list was concluded



in the year 2013 and the second respondent is working as noon-meal organiser for the past 6 years. This being the factum, the writ petition deserves no merit consideration.

8. Accordingly, the writ petition stands dismissed. No costs.

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Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)

MR

To
The District Collector,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-80840[F] dated 09/08/2019)

+1 CC to M/s.SPL GP (SR-81142[F] dated 09/08/2019)

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