



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.19131 of 2014
and
M.P.(MD)No.1 of 2014

A.Sumathi

...Petitioner

-Vs-

1.The Personal Assistant to District Collector,
Noon Meal,
Sivagangai,
Sivagangai District.

2.Kaleeshwari

3.The Correspondent,
Karpooora Sundarapandian Ramalakshmi
Higher Sec School,
Thirupathur Road,
Sivagangai.

...Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling the records relating to proceedings of the first respondent made in Na.Ka.R4/12860/12 dt:12.11.2013 and the consequential proceedings of the first respondent made Na.Ka.R4/12846/2014 dt:05.09.2014 and quash the same and consequently, direct the first respondent to appoint the petitioner as Cooking Assistant in the third respondent School.

For Petitioner : Mr.K.Govindarajan

For R1 : Mr.M.Jeyakumar

Additional Government Pleader

For R2 and R3 : No appearance

O R D E R

The order of appointment issued in favour of the second respondent as well as the order of rejection rejecting the claim of the writ petitioner for appointment to the post of Cook Assistant, is under challenge in the present writ petition.

2.The learned counsel appearing on behalf of the respondent made a submission that both the writ petitioner as well as the second respondent participated in the process of selection for



appointment to the post of Cook Assistant. Undoubtedly, the second respondent was selected and appointed. However, he did not join in the post of Cook Assistant. Consequently, the writ petitioner submitted a representation to consider her for appointment to the post of Cook Assistant. The case of the writ petitioner was also not considered by stating that she is not fully qualified.

3.The learned counsel for the writ petitioner made an attempt to convince this Court by stating that the petitioner is fully qualified for appointment to the post of Cook Assistant. However, as the adjudication this length may be required.

4.In view of the fact that the selection was completed in the year 2014 and the writ petitioner was not selected and appointed during the relevant point of time. In fact, the second respondent was selected and appointed, however, she did not join in the post of Cook Assistant and the representation submitted by the writ petitioner also was rejected. Thus, at this length of time, this Court cannot consider the request of the petitioner for appointment to the post of the Cook Assistant even if there is a vacancy by the quota to fill up by the post of Cook Assistant, a fresh selection is to be considered. If infact such a notification is issued, the writ petitioner is at liberty to participate in the process of selection, if she is otherwise qualified, in accordance with the rules in force.

5.With these directions, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To:

The Personal Assistant to District Collector,
Noon Meal,
Sivagangai,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-83574[F] dated 27/08/2019)

+1 CC to M/s.K.GOVINDA RAJAN, Advocate (SR-83648[F]dated 27/08/2019)

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