

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2020

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.4918 OF 2007

M.Jaya

... Petitioner

Vs.

1.The District Collector
Tiruvallur.

2.The Commissioner
Pallipet Panchayat Union
Tiruvallur District.

3.The Headmaster
Government High School
Kesava Raja Kuppan,
Tiruvallur District.

4.T.L.Vijaya ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the proceedings of the first respondent dated 29.01.2007 and made in Na.Ka.No.22237/2005/PF 1 and quash the same as illegal and without jurisdiction and further to direct the first respondent to appoint the petitioner as Noon Meal Organiser / Assistant at the third respondent school.

For Petitioner : Mr.G.Nagarajan

For Respondent-1: Mr.P.Chinnadurai
Additional Government Pleader

For Respondent-2: Mr.P.Raja
Government Advocate

For Respondent-3: Mr.M.Elumalai
Government Advocate

For Respondent-4: Mr.V.R.Appaswamee

O R D E R

The petitioner is a permanent resident of Punniam Village, Pallipet Taluk, Tiruvallur District. She belongs to Scheduled Caste community. Her husband Late V.Dharmalingam was working as a Noon Meal Organiser at the third respondent school and he died on 04.11.2005. After his death, the post fell vacant and the first respondent called for applications. The petitioner has also applied for the said post. The petitioner, admittedly a resident of that particular village and being a widow and belongs to Scheduled Caste community, hoped for appointment in the vacancy. However, the fourth respondent, who was a resident of another village was selected and appointed. The reason stated for non-selection was that the petitioner has not produced the proof of SSLC certificate. It is also stated by the first respondent that exercising his discretion, he selected the fourth respondent, who hails from 16 kms away from the place of posting. The said selection of the fourth respondent and non-selection of the petitioner is challenged in the present writ petition.

2. The learned counsel appearing for the fourth respondent submits that the fourth respondent has already been transferred to another school and the post lies vacant.

3. From a perusal of the materials available before this Court, it is seen that the petitioner is fully qualified to hold the post of Noon Meal Organiser and belongs to Scheduled Caste community, resident of the same village and the widow of the erstwhile servant and she is also entitled to be considered on compassionate grounds also. When so much of factors to prefer the petitioner to the post of Noon Meal Organizer were there, the first respondent has posted a person, who hails from a long distance contrary to Government Orders in force.

4. Now that the learned Government Advocate would submit that one vacancy is available in Panchayat Union Elementary School, Samanthavada Colony, Pallipet Taluk, Tiruvallur District. The Block Development Officer, Pallipet Taluk has also appeared before this Court along with files.

5. Considering the facts and circumstances of the case, a direction is given to the first respondent to consider the appointment of the petitioner as Noon Meal Organiser in the Panchayat Union Elementary School,

Samanthavada Colony, Pallipet Taluk, Tiruvallur District and pass orders, within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

TK

To

- 1.The District Collector
Tiruvallur.
- 2.The Commissioner
Pallipet Panchayat Union
Tiruvallur District.
- 3.The Headmaster
Government High School
Kesava Raja Kuppam,
Tiruvallur District.
- 4.The Panchayat Union Elementary School,
Samanthavada Colony, Pallipet Taluk,
Tiruvallur District.

+1cc to Mr.G.Nagarajan, Advocate, S.R.No.10282
+1cc to Mr.V.R.Appaswamee, Advocate, S.R.No.10206
+1cc to the Government Pleader, S.R.No.10895

PVS (CO)
CB (03/08/2020)

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