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THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.7958 of 2020

and

W.M.P (MD)No.7406 of 2020

S.Shanmugalakshmi

...Petitioner

-Vs-

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Scheme Officer (Scheme BDO),
Integrated Child Welfare Office,
Melaneelithanallur Panchayat Union,
Sankarankovil Taluk,
Tenkasi District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pass a fresh appointment order on the basics of the order dated 30.09.2017 in Vide No.Se.Mu.Na.Ka.75/A1/2017-3 passed by the then erstwhile Tirunelveli District Collector, within a time frame.

For Petitioner : Mr.F.X.Eugene

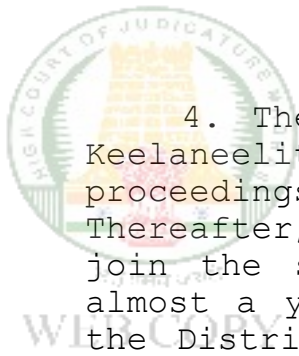
For Respondents : Mr.S.Dhayalan,
Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the first respondent to pass a fresh appointment order on the basis of the order, dated 30.09.2017 in Vide No.Se.Mu.Na.Ka.75/A1/2017-3 passed by the then erstwhile Tirunelveli District Collector, within a time frame.

2. Heard Mr.F.X.Eugene, learned counsel appearing for the petitioner and Mr.S.Dhayalan, learned Government Advocate appearing for the respondents.

3. With the consent of both sides, this writ petition is disposed of at the admission stage itself.



4. The petitioner was appointed as an Anganvadi Organiser at Keelaneelithanallur near Indian Overseas Bank Branch by the proceedings of the Collector of Tirunelveli District on 30.09.2017. Thereafter, it seems that due to pregnancy, the petitioner could not join the service and therefore, after the child birth and after almost a year, only in July 2018 she has sent a representation to the District Collector, Tirunelveli permitting her to join in the same post. Subsequently, on 09.01.2020 the petitioner has given a representation to the first respondent, who is the District Collector, Tenkasi as in the meanwhile, the revenue District of the Tirunelveli has been bifurcated and the petitioner's Anganvadi comes under the Sankarankovil Taluk, Tenkasi Revenue District. Since the said representation has not been considered and the petitioner has not been permitted to join duty, he has approached this Court with the aforesaid prayer.

5. The learned counsel appearing for the petitioner would submit that, in the post where she was appointed, she may be permitted to join. However, the Government Advocate appearing for the respondents would submit that, infact a call letter was issued in the year 2017, calling for interview and certificate verification of the petitioner for appointment to the post of Noon-meal Organiser, where the petitioner did not appear and in that place someone has appeared, thereafter, this factor, has subsequently come to the knowledge of the respondent. Probably, the reason being for not appearing in the Certificate verification session by the petitioner as because of she was pregnant at that time. Thereafter, without verifying these factors, the appointment order has been sent by the District Collector, Tirunelveli to the petitioner's address on 30.09.2017, however, pursuant to the said appointment order also, the petitioner has not chosen to join in the post and thereafter, after one year, the petitioner has given a representation on 04.07.2018 and again on 09.01.2020 the present representation is given to the first respondent, who is the District Collector of Tenkasi District. Therefore, the petitioner is not entitled to seek or claim any right over the post, where she was wrongly selected and appointed, but at any rate, since the petitioner has given a representation, dated 09.01.2020 to the first respondent to appoint her in the same post that would be considered and orders would be passed in accordance with law, within a time frame to be stipulated by this Court.

6. Considering the said submissions made by both learned counsel and after having taken note of the factual matrix, this Court is inclined to dispose of this writ petition with the following directions:-

i) "that the respondents, especially, the first respondent is hereby directed to consider the representation of the petitioner, dated 09.01.2020 and pass orders there on, on merits and in accordance with law, within a period of six weeks from the date of service of this order. "



7. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Scheme Officer (Scheme BDO),
Integrated Child Welfare Office,
Melaneelithanallur Panchayat Union,
Sankarankovil Taluk,
Tenkasi District.

Order made in
W.P.(MD)No.7958 of 2020

Dated:
24.07.2020

SPU(12.008.2020) 3P 3C