



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.16837 of 2020

V.Lakshmi

... Petitioner

Vs.

1. The Secretary to Government,
State of Tamil Nadu,
Social Welfare & Nutritious Meal
Programme Department,
St.George Fort,
Chennai-600009.

2. The District Collector,
Thanjavur District,
Thanjavur.

3. The Municipal Commissioner/Special Officer,
Kumbakonam Municipality,
No.30/64, Dr.Moorthy Road,
Kumbakonam,
Thanjavur District.

4. The Secretary,
R.C.Silk Primary School,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 30.07.2020 within the time prescribed by this Court and for other reliefs.

For Petitioner
For R-1 to R-3

: Mr.N.R.Balaji
: Mr.R.Murugaraj
Government Advocate



O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Since no adverse order is going to be passed against the fourth respondent, notice to him is dispensed with.

2.This writ petition has been filed to direct the respondents to consider the petitioner's representation dated 30.07.2020 within the time prescribed by this Court and other reliefs.

3.The learned counsel appearing for the petitioner would submit that the petitioner joined the service in the respondent Department as Cook Assistant on 13.07.2009 at Kumbakonam Municipality Primary School, Banathurai, Kumbakonam, Thanjavur District. Thereafter, the petitioner was promoted as Cook on 13.07.2016. When the respondents try to fill up 25% of the vacancies available for promotion to the service employees by direct recruitment, the petitioner has given a representation on 29.01.2018 to consider the petitioner's candidature for promotion to the post of Noon Meal Organizer. However, the said representation was not considered. Therefore, the petitioner approached this Court by way of writ petition in W.P(MD) No.4225 of 2018. Consequent to the writ petition, the petitioner's representation was disposed of stating that the petitioner has not completed 10 years of service as cook, as required by G.O(Ms) No.163, Social Welfare and Noon Meal Scheme Department, dated 18.08.2010.

4.The learned counsel appearing for the petitioner would further submit that now the petitioner was completed 10 years of service and she is eligible for promotion as Noon Meal Organizer. Therefore, the petitioner made a representation on 30.07.2020. However, the said representation was not considered so far. Therefore, without any other options, the petitioner approaches this Court by way of writ petition for appropriate relief.

5.The learned Government Advocate appearing for the respondents 1 to 3 would submit that the representation of the petitioner will be disposed of on merits and in accordance with law.

6.In view of the submissions made by the learned counsel appearing on either side, this Court directs the first respondent to dispose of the petitioner's representations dated 30.07.2020 within a period of eight weeks from the date of receipt of a copy of this order on merits and in accordance with law, taking into consideration that the petitioner has completed 10 years of service as Cook.



7. With the above directions, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (RTI)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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 Secretary to Government,
State of Tamil Nadu,
Social Welfare & Nutritious Meal
Programme Department,
St.George Fort,
Chennai-600009.
2. The District Collector,
Thanjavur District,
Thanjavur.
3. The Municipal Commissioner/Special Officer,
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+1 CC to the SPL GP (SR-23124[F] dated 27/11/2020)

W.P.[MD]No.16837 of 2020
26.11.2020

PK(CO)
CS(08.12.2020) 3P 5C