

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4888 of 2021  
and  
W.M.P.No.5499 of 2021  
(Heard through VC)

A.S.Shahitha ... Petitioner

-vs-

1.The District Collector,  
Villupuram District.

2.The Block Development Officer,  
Gingee,  
Villupuram District.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to appoint the petitioner as Noon Meal Organizer in the Government Muslim Urdu High School at Gingee, by considering the application of the petitioner dated 16.11.2020.

For Petitioner : Mr.P.Ganesan

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

For Respondent-2 : Mr.P.Chinnadurai  
Additional Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents to appoint her as Noon Meal Organizer in the Government Muslim Urdu High School at Gingee, by considering her application dated 16.11.2020.

2. Mr.P.Karthikeyan, learned Additional Government Pleader takes notice on behalf of the respondent No.1. Mr.P.Chinnadurai, learned Additional Government Pleader takes notice on behalf of the respondent No.2.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The facts of the case is that the petitioner is a widow and her mother was working in the Government Muslim Urdu High School at Gingee as cook and retired from service in the year 2018. While so, on 26.07.2016 and subsequently in the year 2018, the first respondent has called for application from the candidates to fill up the post of Noon Meal Organizer. On both occasions, the petitioner has applied for the said post. However, she was not selected even after appearing for certificate verification. Again, the first respondent has called for applications on 22.09.2020 to fill up the post of Noon Meal Organizer, in which they have also allotted vacancy to Government Muslim Urdu High School at Gingee for M.B.C. quota. But, no post was allotted for the Muslim candidates in the above school, though it is an Urdu Medium School. Though no posts were notified for Backward Class-Muslim, the petitioner has applied for the said post. According to the petitioner, she is entitled for appointment to the said post under widow category. Hence, she made an application dated 16.11.2020 to the respondents seeking appointment to the post of Noon Meal Organizer. Though the respondents have appointed noon meal organizer and similar vacancies during the Covid-19 lockdown in the same district, the petitioner's application was not considered so far. Hence, the present writ petition.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the writ petition is disposed of with the following directions:

i) A direction is issued to the first respondent herein to consider the application preferred by the petitioner dated 16.11.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the first respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the application dated 16.11.2020 and this order, to the respondents forthwith;

v) The first respondent is directed to communicate the decision taken on the application, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rsi  
To

1.The District Collector,  
Villupuram District.

2.The Block Development Officer,  
Gingee, Villupuram District.

+1cc to M/s.C.S.Associates, Advoate Sr.13516

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