



WP No.10237 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.10237 of 2011

And

MP Nos.1, 2 and 3 of 2011

Theethee

..

Petitioner

vs.

1.The District Collector,
Salem
Salem District.

2.The Commissioner,
Pethanayakan Palayam Panchayat Union,
Aathur Taluk,
Salem District.

3.P.Chandra

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings Na.Ka.No.925/2009/



WP No.10237 of 2011

Sa.U.Thi.2 dated Nil.05.2010 and Na.Ka.No.492/2010/Sa.U.Thi.2 dated 12.03.2011 and quash the same and consequently direct the first and second respondents to appoint the petitioner as Assistant Cook either in Paachaadu Panchayat Union Elementary School Noon Meal Center, Pethanayakan Palaym Panchayat Union, Aathur Taluk, Salem District or in any vacant place in Salem District.

For Petitioner	: Mr.K.Raja
For Respondent-1	: Mr.V.Arun, Additional Advocate General Assisted by Mr.P.Gurunathan, Additional Government Pleader.
For Respondent-2	: Mr.T.Arunkumar
For Respondent-3	: Mr.D.Selva Raju

ORDER

The appointment order issued by the first respondent in proceedings dated 12.03.2011, appointing the third respondent as Cook Assistant Cook, is under challenge in the present writ petition.

2. The petitioner states that she participated in the process of selection for appointment to the post of Cook Assistant . She had submitted



WP No.10237 of 2011

all the requisite documents at the time of conducting the interview and in violation of the Government guidelines, the third respondent was appointed to the post of Cook Assistant. The petitioner is residing very much near to the Centre and the third respondent, who is residing in a far off place, has been selected and appointed.

3. The learned counsel for the petitioner states that the reason stated in the order impugned that the petitioner has not submitted the Distance Certificate, is incorrect. The petitioner is very much residing very near to the Centre and she has stated the distance also in the application. While-so, the selection of the third respondent to the post of Cook Assistant is bad in law and is liable to be set aside.

4. The learned Additional Government Pleader appearing on behalf of the first respondent contended that even in the Interview Call Letter, the first respondent has clearly stated that the documents are to be produced in original at the time of conducting the interview for verification. The petitioner has not produced all the requisite documents at the time of



WP No.10237 of 2011

conduct of interview and therefore, she was not considered for selection.

WEB COPY

5. Pertinently, the petitioner earlier filed WP No.14940 of 2010, which was disposed of by this Court on 16.11.2010 itself. The petitioner made a submission before the Court that she had not challenged the appointment order issued in favour of the third respondent and submitted a representation to consider her case. Thus the petitioner had not challenged the appointment of the third respondent at the earliest point of time.

6. The present writ petition was filed subsequently after issuing direction by this Court to consider the representation. The representation submitted by the petitioner was considered and an order was passed in proceedings dated 12.03.2011 stating that the petitioner had not furnished all the requisite documents at the time of conduct of interview.

7. The process of interview was concluded in the year 2010 and the third respondent was appointed and she is working for the past about 12 years. In the earlier writ petition filed by the petitioner, she had not



WP No.10237 of 2011

challenged the appointment order of the third respondent. Thus this Court is of the opinion that any interference at this length of time, which would cause unnecessary prejudice to the parties concerned.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

30-11-2022

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

1.The District Collector,
Salem
Salem District.

2.The Commissioner,
Pethanayakan Palayam Panchayat Union,
Aathur Taluk,
Salem District.



WEB COPY



WP No.10237 of 2011

S.M.SUBRAMANIAM, J.

Svn

WP 10237 of 2011

30-11-2022