



W.P.No.11645 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.11645 of 2011

and

M.P.No.1 of 2011

J.Parameswari

... Petitioner

Vs.

1.The District Collector,
Villupuram District.

2.The Commissioner,
Marakkanam Panchayat Union,
Villupuram District.

3.P.Saraswathi

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the appointment order in Na.Ka.A5/4426/2006 dated 08.12.2006 passed by the second respondent and quash the same as illegal, improper and against the rules and regulations and thereby direct the second respondent to give appointment to the petitioner for the post of Assistant Cook at the Omanthur



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Panchayat or any other place in the same Taluk.

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For Petitioner : Mr.D.C.Muthu Santhan

For Respondents 1 & 2 : Mr.M.Muthusamy,
Government Advocate

For Respondent 3 : No Appearance

ORDER

The case of the petitioner is that the petitioner viz., J.Parameswari has applied for the post of Assistant Cook in Omanthur Panchayat Union and was called for an interview on 19.09.2005 by the second respondent vide Na.Ka.No.A5/3124/2005 dated 12.09.2005. For the said interview three candidates were called viz., Amutha, Parameswari and Saraswathi. This being so Saraswathi, who is the third respondent herein was rejected by the second respondent due to non availability of educational qualification certificate and has also crossed the age of employment. However, no one was selected due to commencement of election in the year 2005.

2. The petitioner was called for another interview on 30.11.2006 by the second respondent vide Na.Ka.No.A5/4426/2006 dated 15.11.2006. For this



interview three candidates were called viz., Amutha, Parameswari and Neelaveni. Surprisingly, the third respondent who has not called for an interview on 30.11.2006 and rejected by the second respondent in the previous interview which was held on 19.09.2005 was selected as Assistant Cook and moreover, the second respondent has also issued an appointment order in Na.Ka.No.A5/4426/2006 dated 08.12.2006 to the third respondent. Aggrieved over the said order of appointment dated 08.12.2006, the petitioner has come forward with the present writ petition.

3. The learned counsel for the petitioner submitted that though the petitioner has possessed the educational qualification and age limit prescribed for the post of Assistant Cook, the second respondent has selected the third respondent who does not at all possess the prescribed educational qualification and age of employment. Moreover, the third respondent has not even called for an interview conducted by the second respondent on 30.11.2006. Further, the age certificate given by the Government Medical Officer is fake and the same is clear from the Voter Identity Card of the third respondent. Because in the Voter Identity Card the age of the third respondent was mentioned as 43



and it shows that she has crossed the age limit of 40 which is prescribed as maximum age for the post of Assistant Cook.

4. The learned counsel for the petitioner further submitted that the third respondent's brother viz., K.Murugan was working as Noon Meal Organizer in Omanthur O.P.R. High School, Tindivanam Taluk and based on his influence the third respondent was given appointment as Assistant Cook by the second respondent. Therefore the appointment is purely based on influence and back door entry. Hence, the order of appointment made by the second respondent in Na.Ka.No.A5/4426/2006 dated 08.12.2006 is liable to be quashed.

5. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner submitted that this Court may direct the respondents 1 & 2 to give appointment to the petitioner for the post of Assistant Cook at Omanthur Panchayat or any other place in the same Taluk and submitted the list of vacancy available in the following schools:

- 1.Primary School, Omanthur
- 2.Panchayat Union Middle School, Mulachoor



3. Government High School, Singanoor

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6. As directed by this Court dated 26.08.2022, the learned Government Advocate appearing for the respondent 1 & 2 has submitted a status report filed by the Personal Assistant (NMP) to the District Collector, wherein it is stated that as per the age certificate produced by the Government Medical Officer O/o Primary Health Center, Brammedesam, Tindivanam Taluk dated 20.10.2006 the age of third respondent is 37 years old and she does not exceed the age limit of 40 which is prescribed as maximum age for the post of Assistant Cook. Moreover, the call letter and relevant documents of the third respondent and other office documents were missing at the time of shifting from old building to new building on 27.02.2016.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. Taking into consideration the factual aspects of the case and plight of the petitioner, this Court without going into the merits of the case directs the respondents 1 & 2 to give appointment to the petitioner for the post of



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Assistant Cook at Omanthur Panchayat or any other place in the same Taluk within a period of four weeks from the date of receipt of a copy of this order.

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

02.09.2022

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Index : Yes/No

Speaking Order : Yes/No

To:

1.The District Collector,
Villupuram District.

2.The Commissioner,
Marakkanam Panchayat Union,
Villupuram District.



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J.SATHYA NARAYANA PRASAD,J.

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