



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13489 of 2010

Nalini

.. Petitioner

Versus

1. The District Collector
(Noon Meal Section),
Collector Office,
Thiruvannamalai,
Thiruvannamalai District.

2. The Commissioner,
Block Development Office,
Chetput,
Thiruvannamalai District.

3. R.Chandrika

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the first respondent passed in Proceedings Na.Ka.No.10574/2008/Sa.U.Thi., dated 10.09.2009 and quash the same and direct the first respondent to appoint the petitioner as Assistant Cook at Nirmal Matha Girls Higher Secondary School, Pathiyavaram Village in Thiruvannamalai District.

For Petitioner : Mr.K.L.Sekar

For R1 and R2 : Mrs.E.Ranganayaki
Additional Government Pleader

For R3 : No Appearance

ORDER

This Writ Petition is filed by the petitioner, challenging the appointment of the third respondent to the post of Assistant Cook at Nirmala Matha Girls Higher Secondary School, Pathiyavaram village, by an order, dated 10.09.2009.



2. It is the case of the petitioner that she belongs to Pathiyavaram village itself and she fulfilled all the essential criteria for the post of Assistant Cook and she is also a widow. She had also produced all the certificates in support of her claim. However, after conduct of interview, while the petitioner was left out, the third respondent was appointed. The third respondent, even though originally belongs to Pathiyavaram village, got married to one Raghu and is living in Kaliyam village which is 40 kms away from Pathiyavaram village. As a matter of fact, she had, as late as on 16.10.2008, obtained community certificate from Tahsildar, Polur Taluk as S.C candidate which shows her residence as Kaliyam village of Polur Taluk and therefore, as per G.O.Standing No.163, dated 18.08.2010, the candidate should be residing within 3 kms from Noon Meal Centre and therefore, the third respondent is totally not eligible to apply and therefore, the appointment is liable to be quashed.

3. The third respondent herein has filed counter affidavit stating that she originally belongs to Pathiyavaram village and it is a fact that she got married to one Raghu in Kaliyam village. However, there was a marital discord between her and her husband and therefore, she had come back to Pathiyavaram village and started living in the same village in No.345, Sahayamatha Street, Susai Nagar Village and Post, Polur Taluk, Thiruvannamalai District. Therefore, the contention of the petitioner is factually incorrect.

4. I have heard rival submissions made on behalf of the petitioner and the third respondent and also had the benefit of hearing learned Additional Government Pleader, appearing on behalf of respondents 1 and 2.

5. In this case, the appointment for the post of Assistant Cook is challenged on two grounds. It is the first contention of the petitioner that she, being a widow, preference should be given and therefore, the appointment of third respondent is illegal. A perusal of the G.O.Standing No.163, dated 18.08.2010 reveals that it is not a preference which is given to widows, but, however, 25% of the total vacancies in the District had to be reserved for widows. The petitioner has not pointed out to any notification or data by which the present post is reserved to the category of widow.

6. The second ground of attack is that the third respondent is not resident of Pathiyavaram village but a resident of Kaliyam village. But, however, the same is factually disputed by the the third respondent by producing documents such as residence certificate, destitute woman certificate granted with



the her present address and the factual matrix is in dispute. Therefore, when it cannot be concluded that the third respondent was resident of Kaliyam village and not Pathiyavaram village, this Court, under Article 226 of the Constitution of India, cannot enter into the dispute of factual matrix as to whether the third respondent actually had marital discord and returned to the village or otherwise. On that basis, the petitioner cannot succeed.

7. Lastly, the learned Counsel for the petitioner made an attempt to state that even the address mentioned in the application by the third respondent, that is, Susai Nagar is not within the 3 kms from the concerned school. However, upon a verification in the Google Map, No.345, Sahayamantha Street, Susai Nagar Village is shown within the distance of 500 meters and therefore, this contention of the petitioner is also factually incorrect.

8. Under these circumstances, the petitioner has not made out a case for interference to set aside the appointment of the third respondent and therefore, this Writ Petition fails and is dismissed. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

grs

To

1. The District Collector
(Noon Meal Section),
Collector Office, Thiruvannamalai,
Thiruvannamalai District.
2. The Commissioner,
Block Development Office,
Chetput, Thiruvannamalai District.

+1cc to Mr.M.Sriram, Advocate, S.R.No.25174

+1cc to the Special Government Pleader, S.R.No.25481

W.P.No.13489 of 2010

SKM(CO)
SU(29/04/2022)