



WEB COPY



WP No.15210 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-09-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.15210 of 2016
And
WMP No.13259 and 13260 of 2016**

J.Saritha

..

Petitioner

VS.

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Personal Assistant to the District Collector,
(Noon Meal), Tiruvannamalai District,
Tiruvannamalai.

3.The Commissioner,
Thandarampet Panchayat Union,
Tiruvannamalai District.

4.A.Vadivu

..

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

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WP No.15210 of 2016

the records pertaining to the order bearing Na.Ka.No.10791/2014-NMS-1 dated 29.02.2016 of the second respondent herein and quash the same and further direct the respondents to consider the case of the petitioner for appointment to the post of Cook Assistant in Panchayat Union Middle School at Thiruvadathanur Panchayat.

For Petitioner : Mr.K.S.Viswanathan

For Respondents-1 to 3 : Mr.V.Arun,
Additional Advocate General
Assisted by Mr.R.Kumaravel,
Additional Government Pleader.

For Respondent-4 : Mr.S.V.Durai Solaimalai

O R D E R

The impugned order issued by the second respondent in favour of the fourth respondent appointing her to the post of Cook Assistant in Panchayat Union Middle School at Thiruvadathanur Panchayat, is under challenge in the present writ petition.

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



WP No.15210 of 2016

qualified and eligible for selection.

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3. The petitioner submitted all the relevant documents for the purpose of selection and to her shock and surprise, the fourth respondent, who is not falling under the category of SC Arunthathiyar, was appointed in violation of the guidelines issued in this regard.

4. The learned Additional Advocate General appearing on behalf of the respondents 1 to 3 relying on the records made a submission that the post of Cook Assistant in Panchayat Union Middle School at Thiruvadathanur Panchayat. is allotted for Scheduled Caste (Arunthathiyar) and in the absence of eligible candidates under SC Arunthathiyar category, then SC Aadhidraavidar category may be considered for selection and appointment.

5. This being the qualification and allotment made by the Competent Authorities, the fourth respondent, who is not SC Arunthathiyar, was appointed in the said Centre.



WP No.15210 of 2016

WEB COPY

6. The learned counsel for the petitioner made a submission that the fourth respondent is SC Aadhithraavidar candidate and perusal of the documents furnished by the first respondent reveals that many other Scheduled Caste Arunthathiyar Community candidates participated in the process of selection and the question of non-availability of SC Aadhithraavidar candidates did not arise at all.

7. When many other SC Caste Arunthathiyar Community candidates, including the petitioner, had participated in the process of selection, there is no reason to appoint the fourth respondent, who belongs to the SC Aadhidraavidar Community. Thus selection itself is improper and violation of the Government Orders issued. In this regard, the fourth respondent was appointed against the category allotted for the Centre and therefore, the writ is to be considered.

8. Accordingly, the order impugned passed by the second respondent in proceedings Na.Ka.No.10791/2014-NMS-1 dated



WP No.15210 of 2016

29.02.2016, is quashed and the respondents 1 to 3 are directed to fill up the post by way of fresh recruitment by following the procedures contemplated.

9. With the abovesaid directions, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

15-09-2022

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

- 1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
- 2.The Personal Assistant to the District Collector,
(Noon Meal), Tiruvannamalai District,
Tiruvannamalai.
- 3.The Commissioner,
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WEB COPY



WP No.15210 of 2016

S.M.SUBRAMANIAM, J.

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WP 15210 of 2016

15-09-2022