



W.P.No.29417 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29417 of 2015

E.Sasikala

...Petitioner

-Vs-

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Personal Assistant to Collector,
(Nutritious Meal Scheme),
Collector Office,
Tiruvannamalai.

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

4.Shanthi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st to 3rd respondents to cancel the appointment of the 4th respondent herein who has been appointed as a Cooking Assistant and consequently appoint the petitioner as a



W.P.No.29417 of 2015

Cooking Assistant in the Panchayat Union Middle School, Navakollai,
Thandrampet Union, Thiruvannamalai District.

For Petitioner : Mr.D.Rajagopal
For R1 & R2 : Mr.M.Bindran
Addl. Government Pleader
For R3 & R4 : No Appearance

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to cancel the appointment of the fourth respondent, who has been appointed as Cooking Assistant and further to direct the respondents to appoint the petitioner in the said post.

2. The petitioner states that she is fully qualified for appointment to the post of Cooking Assistant. She participated in the process of selection conducted during the year 2014-2015.

3. The learned counsel for the petitioner made a submission that as per the Government guidelines issued for appointment of Cooking Assistant, the candidate must be residing within 3 Km radius of the school,



W.P.No.29417 of 2015

in which appointment is to be made. In the present case, the petitioner is residing within the radius of 3 Km, but the fourth respondent is residing beyond 3 Km and as per the certificate issued by the Assistant Engineer, Highways, Thandrampet, dated 13.08.2015, the distance between Perungalathur and Navakollai is 5 Kms. Relying on the said certificate of the Assistant Engineer, the learned counsel made a submission that the fourth respondent was appointed contrary to the guidelines issued by the Government.

4. This Court is of the considered opinion that the petitioner has not challenged the order of appointment of the fourth respondent and sought for a direction to appoint the petitioner to the post of Cooking Assistant. Now, after a lapse of about 7 years, no such direction can be issued to appoint the petitioner, in view of the fact that the process of selection was completed in the year 2014-2015. Under these circumstances, the relief as such sought for cannot be granted. However, if any illegality is found in the process of selection and appointment, the petitioner is at liberty to pursue his remedy in the manner known to law.



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W.P.No.29417 of 2015

S.M.SUBRAMANIAM, J.

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5. With the above liberty, the Writ Petition stands disposed of. No costs.

08.07.2022

Index:Yes

Internet:Yes

Speaking order/Non-speaking order

hvk

To

- 1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
- 2.The Personal Assistant to Collector,
(Nutritious Meal Scheme),
Collector Office,
Tiruvannamalai.

W.P.No.29417 of 2015