



W.P. No. 29395 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 29395 of 2017

and

W.M.P. No. 31666 of 2017

M.Komathy

... Petitioner

-VS-

1. The District Collector,
Tiruvannamalai District.

2. The Block Development Officer,
Cheyyar Taluk,
Tiruvannamalai District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 27.06.2017 issued by the Second Respondent vide Ref. Na. Ka. Va. A7/1048/2017 and quash the same and consequently direct the Respondents to place the Petitioner in the post of Noon-Meal Helper in Panchayat Union Primary School, Kaduganur, Cheyyar Taluk, Thiruvannamalai District and grant all benefits from the date of appointment i.e. on 10.05.2017 till the date of disposal of this Writ Petition.



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For Petitioner : Mr. R.Venkatesulu

For Respondents : Mr. V.Arun,
Additional Advocate General
assisted by by
Mr. D.Gopal,
Government Advocate (for R1)

: Mr. E.Balamurugan (for R2)

ORDER

Heard Mr. R.Venkatesulu, Learned Counsel for the Petitioner, Mr. V.Arun, Learned Additional Advocate General assisted by Mr. D.Gopal, Learned Government Advocate appearing for the First Respondent and Mr. E.Balamurugan, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The appointment of the Petitioner in the post of Noon Meal Helper in Panchayat Union Primary School, Kaduganur, Cheyyar Taluk, Tiruvannamalai District was cancelled by Order No. Na. KaVaA7/1048/2017 dated 27.06.2017 passed by the Second Respondent and has been challenged in this Writ Petition.



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3. It is the case of the Respondents that the husband of the Petitioner, viz., Murali, owns lands aggregating to an extent of 1.79.5 hectares in S. Nos. 129/5B and 166/5 at Thozhupedu Village and S. Nos. 22/1A and 25/20 in Mukkur Village, which is in violation of condition no. 6 of the order of appointment issued by the First Respondent that there should be no property standing in the name of any of the family members of the selected candidates and such certificate has to be submitted within a period of one month from the date of receipt of the order of appointment in that regard.

4. As rightly pointed out by Learned Counsel for the Petitioner, the appointment to the post of Noon Meal Helper is made as per G.O. Ms. No. 163, Social Welfare and Nutritious Meal Program Department dated 18.08.2010 issued by the Government of Tamil Nadu, which does not contain any specific prohibition for the selected candidate or her family members not to own lands, if they are appointed to the post. In such circumstances, the imposition of such condition in the order of appointment, which is extraneous and beyond the scope of the eligibility for holding that post, cannot be countenanced in law. In that view of the matter, the impugned order of cancellation of appointment of Petitioner is set aside and the Petitioner shall be entitled to reinstatement to the said post within a period of one month from the date of receipt of copy of this



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order. Having regard to the nature of functions performed in the said post, the Petitioner shall not be entitled to any backwages for the period from the date of termination till reinstatement in service, but shall be treated as having continued in service for all other purposes. The Respondents shall file report of compliance of this order before the Registrar (Judicial) of the Court.

In fine, the Writ Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

16.06.2022

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Index: Yes/No

Note: Issue order copy by 27.10.2022.

To

1. The District Collector,
Tiruvannamalai District.
2. The Block Development Officer,
Cheyyar Taluk,
Tiruvannamalai District.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



WEB COPY



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P.D. AUDIKESAVALU, J.

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