



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM

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

W.P. NO. 29927 OF 2017

V. Nirmala

... Petitioner

-vs-

1. The Secretary to the Government of Tamil Nadu,
Rural Welfare Department and Panchayatraj,
Fort St. George,
Chennai - 600 009.
2. The Project Director,
Pudhu Vaazhvu Project/ Vazhndhu Kaatuvom Project,
Annai Thereasa Magalir Valagam,
1st Floor, Valluvar Kottam High Road,
Nungambakkam,
Chennai - 600 034.
3. The Managing Director cum Chief Executive Officer (CEO)
Tamil Nadu Corporation for Development of women Ltd,/TNSRLM,
Annai Thereasa Magalir Valagam,
1st Floor, Valluvar Kottam High Road,
Nungambakkam,
Chennai - 600 034.
4. The District Project Manager,
Pudhu Vazhvu District Society (PVDS),
No. 5/243-B, PVK Avenue - 1,
Mohanur Road,
Namakkal,
Namakkal District.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the Respondents to consider the Petitioner's representation dated 25.09.2017 by allowing to continue the present service of Facilitator (A&M) by extending service or to provide alternative employment with the Third Respondent/ Rural Welfare Department within the stipulated time.



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For Petitioner : Mr. R.Balguruswamy

For Respondents : Mrs. C.Sangamithirai,
Special Government Pleader
(for R1 & R2)

Mr. V.Jayaprakash Narayanan (for R3)

No appearance (for R4)

O R D E R

Heard Mr. R.Balguruswamy, Learned Counsel for the Petitioner and Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second Respondents and Mr. V.Jayaprakash Narayanan, Learned Counsel for the Third Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who had worked as Facilitator (A&M) in the project of the Fourth Respondent for a contractual tenure of two years, had made a representation dated 25.09.2017 to allow her to continue in that post by extending service or to provide alternative employment with the Third Respondent and as there was no action in that regard, she has filed this Writ Petition.

3. It is evident from the said representation that the appointment of the Petitioner had not been made against any vacancy in a sanctioned post in accordance with the constitutional mandate of providing equality of opportunity to all eligible candidates in public employment. In such circumstances, there cannot be any question of granting any relief of continuance in service in the existing post or provide any alternative employment to her in the absence of any specific provision in that regard, but it would not precluded her from working out her rights for any other legitimate entitlements, if she is otherwise eligible, before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skr



To

1. The Secretary to the Government of Tamil Nadu,
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Chennai - 600 009.
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Mohanur Road,
Namakkal,
Namakkal District.

+1cc to Mr.R.Balguruswamy, Advocate, S.R.No.12099
+1cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No.12279
+1cc to the Government Pleader, S.R.No.12362

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SPD(CO)
PM/11/05/2022