



WP No. 25912 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-09-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.25912 of 2018

And

WMP Nos.30117 and 36254 of 2018

And

WMP Nos.19154 and 19156 of 2022

G.Deepa

D/o.C.Govindan,

No.8A/11, Govindasamy Street,

Jaffarkhanpet,

Chennai – 600 083.

..

Petitioner

VS.

1.The Kancheepuram-Thiruvallur District
Cooperative Milk Producers' Union Limited,
No.X-37, Represented by its Managing Director,
Ayanpuram,
Chennai – 600 023.

2.The General Manager,
The Kancheepuram-Thiruvallur District
Cooperative Milk Producers' Union Limited,
No.X-37, Ayanpuram,
Chennai – 600 023.



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3. The Director,
Milk Production and Dairy Farm Development,
Madavaram,
Chennai – 600 051.

4. G. Deepa
W/o. Ramesh,
No. 234, Bajanai Kovil Street,
Ondikuppam,
Manavalan Nagar,
Thiruvallur – 602 002. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the second respondent herein bearing Na.Ka.No.17562/Administration/2017 dated 19.09.2018 and quash the same.

For Petitioner	: Mr.K.Jayachandiran
For Respondents-1 and 3	: Mr.M.Rajendiran, Additional Government Pleader.
For Respondent-2	: Mr.L.P.Shanmugasundaram
For Respondent-4	: Ms.Elizabeth Rani



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ORDER

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The show cause notice issued by the second respondent in proceedings dated 19.09.2018 is sought to be quashed in the present writ petition.

2. The writ petitioner states that she participated in the process of selection and accordingly selected and an order of appointment was issued in proceedings dated 25.06.2018.

3. The order of appointment reveals that Tmt.G.Deepa is appointed to the post of Senior Factory Assistant. Pertinently, the name of the fourth respondent is also Tmt.G.Deepa. Both the names of the petitioner and the fourth respondent and their respective initials are also one and the same.

4. The learned counsel appearing on behalf of the second respondent made a submission that the fourth respondent was selected for appointment to the post of Senior Factory Assistant based on merits.



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However, the order of appointment was wrongly served on the writ petitioner, since the names of the petitioner and the fourth respondent are one and the same. However, the Authorities found the mistakes subsequently with reference to the name of the father of the writ petitioner and the name of the husband of the writ petitioner and thereafter, issued a show cause notice for the purpose of cancelling the appointment of the writ petitioner.

5. The impugned show cause notice also reveals that the mistake occurred on account of the fact that the names of both the writ petitioner and the fourth respondent, including their initials, are one and the same. However, it was ascertained by the second respondent-Management that the fourth respondent was selected during the process of selection.

6. The fourth respondent was selected under the Scheduled Caste (Arunthathiyar) Priority Category. However, the petitioner belongs to the Scheduled Caste Non-Priority Category. Thus, it was established that the fourth respondent was selected under the Priority Category of Scheduled



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Caste (Arunthathiyar) and verifying all these factors, the second respondent issued show cause notice to the writ petitioner with a view to provide an opportunity to her. Instead of submitting explanations, the petitioner has to chosen to file the present writ petition.

7. No writ against the show cause notice is entertainable in a routine manner.

8. In the present case, the show cause notice was issued by the Competent Authority setting out the facts and details regarding the error committed by the Authorities in wrongly communicating the order of appointment to the writ petitioner, despite the fact that the fourth respondent was selected under the Priority Category of Scheduled Caste (Arunthathiyar).

9. In view of the fact that the petitioner was not selected and the order of appointment was issued erroneously to the writ petitioner, the respondents have taken a corrective measure in order to appoint the fourth



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respondent, who was selected on merits and more-so under the Priority Category of Scheduled Caste (Arunthathiyar).

10. Certain clerical mistakes or typographical mistakes committed by the Authorities would not confer any right on the candidate to secure appointment. The Authorities are permitted to correct such mistakes, if it is traced out.

11. In the present case, the mistake was occurred due to the fact that the names of the petitioner and the fourth respondent are one and the same and their initials are also identical.

12. That being the case, this Court do not find any infirmity in respect of the show cause notice issued to the writ petitioner and the petitioner is at liberty to submit his explanations/objections if any, within a period of two weeks from the date of receipt of a copy of this order and thereafter the respondents are directed to take a final decision and pass appropriate orders on merits and in accordance with law as expeditiously as



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possible, preferably within a period of four weeks thereafter.

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13. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

1.The Managing Director,,
Kancheepuram-Thiruvallur District
Cooperative Milk Producers' Union Limited,
No.X-37, Ayanpuram,
Chennai – 600 023.

2.The General Manager,
The Kancheepuram-Thiruvallur District
Cooperative Milk Producers' Union Limited,
No.X-37, Ayanpuram,
Chennai – 600 023.

3.The Director,
Milk Production and Dairy Farm Development,
Madavaram,
Chennai – 600 051.

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S.M.SUBRAMANIAM, J.

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