



W.P.No.19806 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.19806 of 2011
and M.P.No.2 of 2011

Lakshmi

... Petitioner

Vs

1.District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Commissioner,
Panchayat Union,
Cheiyar.

3.Kamatchi

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in Na.Ka.7997/2010/NMS-1 dated 30.06.2011 quashing the same and further direct the respondents 1 and 2 to confirm the appointment of the petitioner to the post of Noon Meal Organiser and pass such further orders.

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For Petitioner : Mr.Pradeep Jayaraman
For R1 : Mr.S.Ravichandran
For R2 : Mr.A.Raja Perumal
For R3 : Mr.K.G.Senthil Kumar

ORDER

When the matter was taken up for hearing on 21.11.2023, there was no representation on behalf of the petitioner and hence, the same was directed to be listed under the caption “for dismissal” on 28.11.2023.

2. Today, when the matter is taken up for hearing, the learned counsel for the petitioner seeks time to get instructions from the petitioner.

3. It is to be noted that when this Writ Petition was placed before this Court for admission, this Court had issued “rule nisi”. It has also been recorded that a Writ Appeal in W.A.No.791 of 2011 is pending on the file of this Court. It is pertinent to note that the W.A.No.791 of 2011 was listed for hearing on 13.01.2015 and as there was no

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representation on the side of the petitioner, the intra Court appeal was directed to be listed under the caption “for dismissal” on 21.01.2015.

Even on that day, noting that there was no representation on the side of the petitioner in the intra Court appeal and the Writ Appeal was dismissed for “non-prosecution.

4. The Writ Petitioner does not seem to diligently prosecute the litigation that she had initiated before this Court. Further, it is seen that the order of dismissal that is impugned in this Writ Petition have been made pursuant to the order of a learned Single Judge in W.P.No.3712 of 2010, wherein, the learned Single Judge had held that the appointment of the petitioner who was the 3rd respondent in that Writ Petition was bad and the appointment was set aside. Challenging the appointment, the intra Court appeal in W.A.No.791 of 2011 seemed to have been filed by the petitioner, which had also come to be dismissed for non-prosecution as early as in the year 2015. Since the order impugned had been passed in compliance with the order of this Court, the petitioner cannot be allowed to reagitate the impugned order in this

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petition having failed to prosecute the intra Court appeal.

5. In view, of the same, I find no merits in the request made by the learned counsel for the petitioner and the same is also rejected.

6. In fine, there is no merits in this Writ Petition and the same is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23.11.2023

gba

Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No

To

1.District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Commissioner,

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Panchayat Union,
Cheiyar.



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K.KUMARESH BABU,J.

Gba

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