



WEB COPY

W.P.No.2282 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.2282 of 2012

Mrs. V.Ezhilarasi

... Petitioner

Vs.

1. The District Collector,
Nagapattinam District,
Nagapattinam.
2. The District Planning Officer,
Integrated Child Development Works,
Planning,
Nagapattinam District,
Nagapattinam.
3. The Child Welfare Development Officer,
Sirkazhi Taluk,
Nagai District.
4. Rajakumari

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in Se.Mu.Na.Ka.No583/A1/2009 dated 24.02.2011 and quash the same insofar as it relates to the appointment of the fourth respondent and all consequential proceedings, appoint the petitioner as cook under the jurisdiction of



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Kammapuram Panchayat Union, Cuddalore District on merits.

For Petitioner : Mr.S.P.Sivagnanasambandan

For R1 to R3 : Mr. G.Ameedius,
Government Advocate

For R4 : Mr.A.V.Raja

ORDER

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus to call for the records relating to the Proceedings in Se.Mu.Na.Ka.No583/A1/2009 dated 24.02.2011 issued by the second respondent, appointing the fourth respondent as Cook under the jurisdiction of Kammapuram Panchayat Union, Cuddalore District as illegal and arbitrary.

2. In response to a notification issued by the third respondent, the petitioner and the fourth respondent have submitted their applications for being considered for appointment to the post of Cook in respect of Kammapuram Panchayat Union, Cuddalore District. The third respondent, after having considered the applications submitted by the petitioner as well as the fourth respondent, found that the fourth respondent is eligible for



appointment and issued the impugned proceedings dated 24.02.2011, appointing the fourth respondent as Cook in Kammapuram Panchayat Union, Cuddalore District. The said proceedings issued by the third respondent is challenged by the petitioner mainly on the ground that the petitioner is residing in the Thuraiyur Village, Koilpathu Post, where the proposed place of working is located and the fourth respondent is residing at a place beyond 4 kms from the proposed place of work.

3. This Court having taken note of the solitary stand taken by the petitioner by an order dated 10.07.2023, called for a report from the first respondent and the first respondent, after having enquired into the matter, submitted the status report dated 30.08.2023.

4. From the perusal of the said status report, it is noticed that the residence of the petitioner is located within 400 metres from the Thuraiyur Anganwadi Centre, whereas the residence of the fourth respondent is located at a distance of 3 kms. from the Anganwadi Centre. From the perusal of the notification dated 29.07.2011, it is evident that applications were called for filling up the post in question, from the persons, who are residing within a



distance of 3 kms and requiring them to participate in the selection process.

From the status report filed before this Court, it is evident that the fourth respondent is also residing within a distance of 3 kms and satisfies the eligibility criteria under the notification dated 29.07.2011 issued by the third respondent. Except the ground of non-complying with the distance requirement, no other ground is raised in the present Writ Petition.

5. Further, the counter affidavit filed by the third respondent, it is also noticed that the petitioner has not produced any of her Educational Certificates at the time of conducting the enquiry and the third respondent found that the fourth respondent was suitable than the petitioner, and on finding that the fourth respondent is eligible for the post, the impugned order came to be issued. More than a decade lapsed since the date of appointment of the fourth respondent and the fourth respondent is working as such for the past about 12 years.

6. In the light of the above, this Court is not inclined interfere with the impugned order passed by the third respondent. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous



Petitions, if any, shall stand closed.

13.12.2023

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

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