



W.P.No.4740 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.4740 of 2020 and

W.M.P.No.5602 of 2020

K.Lakshmi

... Petitioner

Vs.

1.The Personal Assistant to Collector (Nool Meal),
Vellore, Vellore District.

2.The Commissioner,
Sholingar Panchayat Union,
Sholingar, Vellore District.

3.Tmt.Vendabai, Cook Helper,
Panchayat Union Elementary School,
Vaniakattur, Sholingar Block,
Vellore District.

... 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 relating to the impugned order of the second respondent in Na.Ka.A5/3004/19 dated 31.01.2020 and quash the same in so far as the postings of the petitioner and the third respondent are concerned and direct the respondents 1 and 2 to post the petitioner as Cook at the Panchayat Union Middle School, Mutharasikuppam.



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For Petitioner : Mr.P.Rajendran

For Respondents :Mr.T.Chezhian, Addl. Govt. Pleader for R1& R2
No appearance for R3

ORDER

This Writ Petition has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent in Na.Ka.A5/3004/19 dated 31.01.2020 and quash the same in so far as the postings of the petitioner and the third respondent are concerned and direct the respondents 1 and 2 to post the petitioner as Cook at the Panchayat Union Middle School, Mutharasikuppam.

2. Heard Mr.P.Rajendran, learned counsel for the petitioner and Mr.T.Chezhian, learned Additional Government Pleader appearing for R1 & R2.

3. The facts of case in brief are as follows:

The petitioner was working as a Cook Helper in the Panchayat Union Middle School, Mutharasikuppam, Katpadi Block, Vellore District



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(After bifurcation, Sholingar Block has been changed to Katpadi Block)

for 7 years. As she has completed more than 5 years of service as Cook Helper, she became eligible to be promoted as a Cook as per the orders of the Government in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department dated 18.08.2010. Since the post of Cook at Panchayat Union Middle School, Mutharasikuppam was vacant, the petitioner made a request for appointing her in the said post at Mutharasikuppam. However in the impugned order dated 31.01.2020, the petitioner is posted as Cook in the Panchayat Union Middle School, Balamuthur which is at a distance of 15 kms from her residence. Hence the petitioner has filed this Writ Petition.

4. The learned counsel for the petitioner submitted that as per the G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department dated 18.08.2010, the distance factor is restricted to 3 kms between the employees' residence and the place of posting. The claim of the petitioner is that as she had worked as a Cook Helper at Mutharasikuppam for more than 5 years, she ought to have been posted



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as a Cook at Mutharasikuppam instead of Balamuthur. The impugned order dated 31.01.2020 would show that the third respondent Vendabai has been posted at Mutharasikuppam.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the list of promotion as seen in the order dated 31.01.2020 is on the seniority basis; hence, the third respondent has got the priority than the petitioner.

6. It is reliably learnt that the third respondent Vendabai is residing in Vaniakattur. The said place is 7kms away from Mutharasikuppam.

7. The learned counsel for the petitioner also submitted that the distance between the petitioner's residence and Balamuthur is more than 7 kms.

8. The learned Additional Government Pleader appearing for the



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respondents 1 and 2 brought to the notice of this Court that in the consent letter given by the petitioner, she has given the first option as Balamuthur and second option as Mutharasikuppam and that the third respondent has given her first option as Mutharasikuppam and the second option as Balamudhur.

9. The option alleged to have been exercised by the above employees does not contain the signatures of the respective employees. Moreover, the handwriting of the option in respect of both the employees also appears to be in a same handwriting. So, I am not inclined to consider the alleged options without proving its genuineness and validity. But the fact remains that the petitioner is entitled to get herself posted within 3 kms radius as per G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department dated 18.08.2010. But there may be some practical inconvenience at the end of the respondents 1 and 2 in adhering to the above Government Order when there is no vacancy in the respective place, if more than one person opts the same place.

10. Taking into consideration of the fact that the petitioner is not



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working in a comfortable place, the respondents 1 and 2 shall consider the claim of the petitioner as and when any vacancy arises in the post of Cook in any nearest place to the petitioner and post her there.

11. With these directions, this Writ Petition is disposed.

Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes

Internet : Yes/No

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WEB COPY

To

- 1.The Personal Assistant to Collector (Nool Meal),
Vellore, Vellore District.
- 2.The Commissioner,
Sholingar Panchayat Union,
Sholingar, Vellore District.



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R.N.MANJULA, J.

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