



WEB COPY



W.P.No.21136 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.21136 of 2018

and

W.M.P.Nos.24815 and 24816 of 2018 and W.M.P.No.11430 of 2019

R.Girija

... Petitioner

Vs.

1.The District Collector,
Cuddalore District.

2.The Block Development Officer,
Mel Buvanagiri Union,
Mel Buvanagiri,
Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the notification issued by the first respondent in Na.Ka.No.PD1/298/2016 dated 09.07.2018 and quash the same so far as the Muslim [BC] quota non-preferential at Government Aided Elementary School, Uluthur, Mel Buvanagiri Taluk, Cuddalore District and consequently direct the first respondent to appoint the petitioner for the post of Assistant, Noon Meal Scheme in the above said School.



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For Petitioner : Mr.T.Saravanan
For Respondents : Mr.V.Arun
Additional Advocate General
Assisted by
Mr.R.Kumaravel
Additional Government Pleader

ORDER

The petitioner seeks issuance of a Writ of Certiorarified Mandamus, to quash the proceedings dated 09.07.2018 on the file of the first respondent insofar as the Muslim [BC] quota non-preferential and consequently to direct the first respondent to appoint the petitioner to the post of Assistant, Noon Meal Scheme in Government Aided Elementary School.

2. On 9th February 2017, the petitioner was called for interview by the second respondent. Though she was not considered, she was once again called by the second respondent on 30.04.2018. The petitioner has obtained 30 marks and she was first in the merit list. However, the first respondent without appointing the petitioner, changed the area for the above said School to Muslim [BC] quota non-preferential from the general category.



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3. The petitioner's grievance is that if such a move is made, the petitioner would be deprived of employment at any place as she is already prevented from applying for any post in neighbouring or adjoining villages, where, she will not qualify in view of the distance eligibility being fixed.

4. Mr.V.Arun, learned Additional Advocate General would however submit that the respondents have decided to scrap the entire selection process. He further contend that a fresh selection process would be undertaken and it would open to the petitioner to participate in the selection process.

5. The contention of the petitioner is that there is no eligible Muslim [BC] candidate within three kilometres radius is one relevant factor that may be taken into account and if the said contention of the petitioner is found to be correct, then the first respondent shall consider the appointment of the petitioner, subject to her meeting other eligibility criteria.

6. It is seen from the communication dated 02.02.2023 that right from May 2020, the posts are lying vacant and have not been filled up.

7. Considering the above, the first respondent shall ensure that a fresh



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selection process shall be undertaken forthwith and completed within a period of three months from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above direction. No costs.

Consequently, connected Writ Miscellaneous Petitions are closed.

21.06.2023

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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To

1.The District Collector,
Cuddalore District.

2.The Block Development Officer,
Mel Buvanagiri Union,
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P.B.BALAJI, J.

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