



WEB COPY

W.P.No.17774 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.08.2023

Coram:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.17774 of 2018
and WMP No.21043 of 2018

S.Rosemary

... Petitioner

Vs.

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Block Development Officer
(Village Panchayat),
Keerapalayam Panchayat Union,
Keerapalayam, Cuddalore District.

.... Respondents

Prayer: PETITION filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the respondents from preventing the petitioner for discharge duty as Noon Meal Organizer at Panchayat Union Elementary School, Pakkirimanyam, Srimushnam Taluk, Cuddalore District.



WEB COPY

W.P.No.17774 of 2018



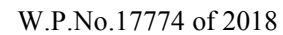
For Petitioner : Mr.C.Prakasam
For Respondent : Mr.V.Arun
Additional Advocate General
assisted by Mr.D.Gopal
Government Advocate – R1
Mr.R.Neethi Perumal
Government Advocate – R2.

ORDER

This Writ Petition has been filed in the nature of a mandamus seeking a negative relief against the respondents that they should not prevent the petitioner from discharging her duty as Noon Meal Scheme Organiser at Panchayat Union Elementary School, Pakkirimanyam, Srimushnam Taluk, Cuddalore District.

2. Though in the affidavit it had been stated that the petitioner had been appointed as Noon Meal Scheme Organiser and that though she reported for duty, the respondents have prevented her from joining duty, the facts as stated by the learned Additional Advocate General appears to be quite different.

3. The learned Additional Advocate General pointed out that the petitioner had been appointed as Noon Meal Scheme Organiser by an order dated 11.06.2018. Subsequently, it was found that she was not qualified to be so appointed. Therefore this fact was informed to her. Complaining that she was being prevented from working in the post to which she had been



4. A learned single Judge of this Court while examining that particular representation made, had passed the following interim order.

5. However, it was informed that she had not joined. Thereafter, the petitioner has filed a Contempt Petition. When the Contempt Petition came up for consideration, on the side of the respondents, it was stated that the petitioner had been dismissed from service and the order dated 16.04.2019 in Na.Ka.No.P.T.1/296/2016 was presented before the Court. Since the order of dismissal had been passed, the Contempt Petition was closed.

6. In view of this particular fact that an order of dismissal had been passed, it is appropriate that the petitioner, if so desires, challenge the said order of dismissal in a manner known to law.

7. The relief sought for in this Writ Petition no longer survives as rightly contended by the learned Additional Advocate General. As a matter of fact it should be placed on record that there was no prevention of her from joining duty but it was a case of a person being appointed without proper



W.P.No.17774 of 2018

C.V.KARTHIKEYAN,J.

qualification. Since the issue does not arise any more for consideration, this

Writ Petition stands dismissed. No costs. Connected Miscellaneous Petition

is also dismissed.

23.08.2023

Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No

sl

To

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Block Development Officer
(Village Panchayat),
Keerapalayam Panchayat Union,
Keerapalayam, Cuddalore District.

W.P.No.17774 of 2018
and WMP No.21043 of 2018