



WEB COPY

W.P.No.1255 of 2021
& W.M.P.No.1402 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1255 of 2021
& W.M.P.No.1402 of 2021

S.Amsavani

...

Petitioner

versus

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Social Welfare and
Nutritious Meals Programme,
Fort St.George, Chennai - 600 009.
- 2.The District Collector,
Collectorate Building, Coimbatore.
- 3.The Block Development Officer,
Pollachi (North),
Coimbatore District.
- 4.The Head Master,
Panchayat Union Middle School,
Allampalayam, Coimbatore.

5.K.Sangeetha

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Na.Ka.No.357/2016/dy.2, dated 05.01.2019



and Na.Ka.No.357/2016/dyy.2 dated 10.04.2018 in respect of the 5th respondent and to quash the said orders and to issue consequential directions to the respondents 1 to 3 to appoint the petitioner as Nutritious Noon Meal Organiser in Panchayat Union Middle School, Allampalayam, Pollachi, Coimbatore.

For Petitioner : Mr.B.Balamurugan
For Respondent Nos.1 to 4 : Mr.T.Arunkumar
Additional Government Pleader
For Respondent No.5 : Mr.N.Umapathi

ORDER

The petitioner has filed this petition seeking a writ of Certiorarified Mandamus, calling for the records of the second respondent in Na.Ka.No.357/2016/dyy.2, dated 05.01.2019 and Na.Ka.No.357/2016/dyy.2 dated 10.04.2018 in respect of the 5th respondent and to quash the said orders and to issue consequential directions to the respondents 1 to 3 to appoint the petitioner as Nutritious Noon Meal Organiser in Panchayat Union Middle School, Allampalayam, Pollachi, Coimbatore.

2. Heard Mr.B.Balamurugan, learned counsel for the petitioner, Mr.T.Arunkumar, learned Additional Government Pleader for the



respondents 1 to 4, and Mr.N.Umapathi, learned counsel for the fifth respondent and perused the materials available on record.

3. This Writ Petition has arisen in view of the confusion caused by the second respondent in giving two appointment orders for the petitioner and the 5th respondent one Sangeetha for the same post. When Sangeetha went to join duty, she was not allowed to join and immediately, she filed a Writ Petition in W.P.No.24728 of 2018 seeking direction. On the strength of the order of this Court, Sangeetha was allowed to join and she continues to be in service.

4. However, in the counter filed by the first respondent in W.P.No.24728 of 2018, the following facts have been stated:-

“5. I submit that both the petitioner and Amsaveni attended the interview on 12.10.2017 and Amsaveni attended further interview on 13.10.2017 in the office of the Panchayat Union, Pollachi (North). After evaluating the performance of both the candidates, we passed the proceedings dated 10.04.2018 appointing the petitioner and Amsaveni and sent the same. Sangeetha the petitioner, despite the receipt of the order of appointment, did not turn up and failed to submit



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requisite certificates such as medical fitness certificate, etc., and also did not turn up to join duty. As the petitioner did not join, appointment was offered to Amsaveni.”

5. What is revealed from the above submission in substance is that, the first appointment order was issued in favour of one Sangeetha; since Sangeetha did not turn up, the appointment was offered to the present petitioner. When Sangeetha also came later with the appointment order, she was not allowed to join. So she filed a Writ Petition in W.P.No.24728 of 2018 and got an order and on the strength of a Court order obtained by her.

6. Now, the present petitioner namely Amsavani has filed this Writ Petition on the strength of the appointment order given to her. Even though the second appointment order was given for the same post, the first appointment order was issued in favour of Sangeetha and only because she did not turn up, the petitioner who was next in the line was offered with the appointment order. Once Sangeetha's appointment was given effect when she came a little later she was allowed to join on the strength of a Court order obtained by her. The post got filled up and there is no more vacancy.



7. The appointment order issued in favour of the petitioner was cancelled, after the orders of the Court granted in favour of Sangeetha. Only thereafter, the petitioner has filed this Writ Petition challenging the cancellation of the appointment order issued to her and the appointment of Sangeetha / 5th respondent.

8. In view of the extraneous situation arose as stated above, the enforceable order can be passed. Because no two persons can be appointed for one post. Since expectation has been created in the mind of the petitioner by providing her an appointing order for which another person was appointed, the second respondent has to consider the plight of the petitioner and accommodate her in any other employment which is feasible and suitable to her qualification.

9. With the above observation, this Writ Petition is **disposed**. No costs. Consequently, connected Miscellaneous Petition is closed.

15.11.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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R.N.MANJULA, J.

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