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WP.No.17978/2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.17978/2017 & WMP.No.19602/2017

K.V.Chinnasamy

... Petitioner

Versus

1.The District Collector

Villupuram, Villupuram District.

2.The Block Development Officer/Commissioner

Melmalayanur, Melmalayanur Panchayat
Union, Gingee Taluk, Villupuram District.

3.S.Kamatchi

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the impugned order in Na.Ka.No.BE/4/533/2016 dated 21.06.2017 on the file of the 1st respondent and quash the same.

For Petitioner	:	Mr.G.Rajan
For R1	:	Mr. S.Ravikumar, Spl.GP
For R2	:	Mr.M.Perumal
For R3	:	Mr.Palanimuthu



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ORDER

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- (1) The writ petition has been filed in the nature of a certiorari seeking records of the impugned order in Na.Ka.No.BE/4/533/2016 dated 21.06.2017 on the file of the 1st respondent, the District Collector, Villupuram District and to quash the same.
- (2) The writ petition has been filed by K.R.Chinnasamy, Correspondent, M/s.Punidha Annai R.C. Higher Secondary School in Kadali Village in Gingee Taluk at Villupuram District. In the affidavit filed in support of the writ petition, it had been stated that the petitioner School was established to cater to the needs of the downtrodden students particularly from Scheduled Caste and Scheduled Tribe community. It had been further stated that the 3rd respondent, S.Kamatchi, a resident of Kadali Village, at Melmalayanur in Villupuram District, was working as a teacher in the very School. It was stated that she was absent continuously for two years and had not given her resignation letter or applied for leave, but was on unauthorised absence. It has been further stated that the petitioner contemplated termination of her service after following appropriate



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procedure as stipulated under the Tamil Nadu Private Schools Regulation and Management Act. It had been further stated that the 1st respondent/District Collector, Villupuram District, had called for filling up of the post of Nutrition Organizer and Nutrition Assistant under the M.G.R.Nutritious Food Scheme. the qualification for the Cook was 8th standard pass and for the Assistant, was 5th standard pass. It had been stated that the 3rd respondent had applied for such appointment and she was also appointed by way of the impugned order. It is complained by the petitioner that she had been so appointed without the petitioner having been consulted. It is under those circumstances, that the writ petition has been filed to quash her appointment.

- (3) The 2nd respondent had filed a counter affidavit wherein it had been stated that the petitioner School is a Minority School and therefore, when making any appointment, communal rotation method is not followed consequent to G.O.Ms.No.4, [SW&NMP] Department, dated 06.01.2011. It has been further stated that the Correspondents/Headmasters of Minority Schools can peruse the list



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of eligible candidates selected in the interview and recommend minimum five persons and thereafter, the District Collector would issue appointment to any one of them from that particular list. It had been stated that for the petitioner School, the applications were called for appointment of Nutrition Organizer and Nutrition Assistant. Several applications had been received and the 3rd respondent had also applied. After going through the process of selection, the 3rd respondent was appointed. It had been further stated in the counter affidavit that however, the petitioner did not permit the 3rd respondent to join duty and therefore, the 3rd respondent has joined duty at Panchayat Union Office and is looking after another vacant Noon Meal Centre at Panchayat Union Elementary School in Sathananthal Panchayat Union and is working there at least till the date of filing of the counter affidavit which was in October 2018. So far as the petitioner School is concerned, the Noon Meal Centre is functioning by putting another Noon Meal Organizer as additional charge.

(4) In view of these facts stated and which has also been reiterated by the



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learned Special Government Pleader, it is evident that the petitioner is indulging only in proceeding against the 3rd respondent, overlooking the fact that she has been appointed by due process. The petitioner should have permitted her to work in the petitioner School. But, now since the petitioner had prevented her from discharging her duties, respondents 1 and 2 have permitted her to join duty at Panchayat Union Elementary School, at Sathananthal Panchayat Union where she is working. The writ petition is totally misconceived. The petitioner has no locus to question the selection process of the respondents 1 and 2 by which the 3rd respondent was selected.

- (5) The writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

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AP

Internet : Yes



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C.V.KARTHIKEYAN, J.,

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