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W.P.No.17979 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.17979 of 2017
and W.M.P.No.19544 of 2017

B.Kavitha

.. Petitioner

VS

- 1.The State of Tamilnadu
Rep. By its Secretary,
Department of Social Welfare and Nutritious Meal
Programme, Fort St.George,
Chennai – 09.
- 2.The Commissioner for Social Welfare,
Office of the Commissioner of Social Welfare,
Chindhadripet,
Chennai – 09.
- 3.The District Collector cum the Appointing Authority,
Villupuram District, Villupuram.
- 4.The Commissioner,
Thirukoilur Panchayat Union,
Thirukoilur, Villupuram District.
- 5.Murugaveni .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the entire records of the third respondent in Na.Ka.No.PE4/533/2016 dated 21.06.2017 and quash the same and consequently direct the 3rd respondent to issue appointment order to the petitioner.



W.P.No.17979 of 2017

WEB COPY

For Petitioner : Mr.V.Jaisankar
For Respondents : Mr.R.Neethi Perumal
Government Advocate
for R1 to R3
Mr.R.S.Selvam for R4
Mr.J.Pradeep for R5

ORDER

Writ petition has been filed in the nature of a certiorarified mandamus seeking records of the third respondent dated 21.06.2017 and quash the same and direct the third respondent to issue appointment order for the post of Puratchi Thalaivar MGR Noon Meal Scheme in Pudu Vengur Panchayat Union Elementary School Noon Meal Centre, Thirukoilur at Villupuram District.

2. The grievance of the petitioner is that the fifth respondent was appointed to the said post. Both the petitioner and the fifth respondent are residents of the same area and are living within the zone of three kms.

3. There is no denial or dispute of that particular fact. But the only crucial aspect is that the fifth respondent was born on 16.05.1980, whereas the petitioner was born on 19.07.1982. As per the principle of seniority naturally, the official respondents will have to appoint only the fifth respondent, who is senior in age.



W.P.No.17979 of 2017

This is the principle which the respondents have also adopted.

Thus, I find no infirmity in the impugned order.

4. Writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

23.08.2023

Index:Yes/No

Neutral Citation:Yes/No

ssm

To

- 1.The Secretary,
Department of Social Welfare and Nutritious Meal Programme,
Fort St.George,
Chennai – 09.
- 2.The Commissioner for Social Welfare,
Office of the Commissioner of Social Welfare,
Chindhadripet,
Chennai – 09.
- 3.The District Collector cum the Appointing Authority,
Villupuram District, Villupuram.
- 4.The Commissioner,
Thirukoilur Panchayat Union,
Thirukoilur, Villupuram District.



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W.P.No.17979 of 2017

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W.P.No.17979 of 2017

23.08.2023