



W.P.(MD).No.3813 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.3813 of 2016

and

W.M.P.(MD).No.3429 of 2016

A.Poornaselvi

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer,
Pudur,
Vilathikulam Taluk,
Thoothukudi District.

3.The Commissioner,
Pudur Panchayat Union,
Pudur,
Vilathikulam Taluk,
Thoothukudi District.

4.The Headmaster,
Hindu Primary School,
Keelanambipuram,
Eddiyapuram Taluk,
Thoothukudi District.

5.P.Shanthi

... Respondents



W.P.(MD).No.3813 of 2016

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in his proceedings in ~~an~~ 9/32668/2015 dated 20.02.2016 and quash the same consequently directing the respondents 1 to 3 herein to consider the petitioner for appointment to the post of Nutritious Meal Organiser in the 4th respondent School.

For Petitioner : Mr.D.Srinivasa Ragavan

For R-1 to R-3 : Mr.P.Thambi Durai,
Government Advocate.

For R-4 : No Appearance

For R-5 : Mr.P.Santhana Krishnan

ORDER

This Writ Petition is filed challenging the impugned order dated 20.02.2016 with a consequential direction to consider the petitioner for appointment to the post of Nutritious Meal Organiser in the 4th respondent School.

2. The petitioner belongs to Scheduled Caste Community and has completed 12th Standard. She has registered her name in the Employment Exchange and was qualified to be appointed as Noon Meal Organizer.



W.P.(MD).No.3813 of 2016

Moreover, she is a widow having 3 daughters. She is also taking care of her mother-in-law as well. When the respondents issued notification to fill up the post of Nutritious Meal Organizer, the petitioner as well as the fifth respondent had participated in the recruitment process. The contention of the petitioner is that both the petitioner as well as the fifth respondent have applied for the said post under the category of widow and they had appeared for interview conducted on 20.02.2016. However, the respondents selected the fifth respondent and issued appointment order. On verification, it is seen that the fifth respondent had remarried some other person on the date of consideration. When this fact came to the knowledge of the petitioner, she immediately submitted an objection letter for selecting the fifth respondent, since she is remarried on the date of consideration. The respondents after thorough verification had found that on 10.07.2013, a widow certificate was issued to the fifth respondent. Subsequently, it was found that the fifth respondent had remarried one Ganesan on 16.09.2015. The recruitment process was in the year 2016. Therefore, the official respondents intimated the same to the fifth respondent. Until now, the fifth respondent has not joined the said post and it is still vacant.



W.P.(MD).No.3813 of 2016

WEB COPY 3. Therefore, this Court is of the considered opinion that the fifth respondent is not entitled to appointment order under widow category. Hence, the impugned order is quashed. Consequently, the first respondent is directed to appoint the petitioner in the said post. The said exercise shall be completed within a period two (2) weeks from the date of receipt of a copy of this order.

4. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



W.P.(MD).No.3813 of 2016

To
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W.P.(MD).No.3813 of 2016

S.SRIMATHY, J.

Nsr

W.P.(MD).No.3813 of 2016

10.04.2023