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W.P.(MD)No.6274 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

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THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.6274 of 2016

and

W.M.P.(MD)No.5510 of 2016

S.Sangeetha

... Petitioner

vs.

1.The District Collector,
Trichy District, Trichy.

2.The Personal Assistant to Collector, (Noon Meal),
Trichirapalli District, Trichirapalli.

3.The Commissioner,
Thuraiyur Panchayat Union,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order in R.C.N6/231/15, dated 26.02.2016, passed by the 2nd respondent.



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For Petitioner : Mr.N.Anandakumar
For R1 & 2 : Mr.N.Muthuvijayan
Special Government Pleader
For R3 : No appearance

ORDER

This writ petition is filed for issuance of writ of Certiorari, to call for the records relating to the impugned order, dated 26.02.2016, passed by the 2nd respondent.

2.The petitioner's appointment was cancelled through the impugned order. The contention of the petitioner is that he has come from a poor agricultural family and belongs to BC category and applied for Noon Meal Organizer post at Panchayat Union Elementary School at Kilakkuvadi on 28.01.2016. The petitioner was called for interview and thereafter, the respondents issued



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appointment order on 22.02.2016 and the petitioner joined the service on 29.02.2016. However, the respondents cancelled the appointment through the impugned order. The contention of the petitioner is that the impugned order was passed without giving any notice to the petitioner. Moreover, the petitioner has worked for ten days in the said Panchayat Union School. The petitioner has sought reason for the cancellation, the respondents had replied that the appointment order was issued by mistake of fact. Instead of issuing to another Sangeetha, the appointment order was issued to the petitioner Sangeetha. Not accepting the said reason, the petitioner has preferred this writ petition.

3. The 1st respondent has filed counter affidavit stating that the post of Noon Meal Organizer and Noon Meal Assistant become vacant and the respondent initiated proceeding to fill the vacancy and called for the list of candidates for the said two posts and interview was conducted. The petitioner



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applied for Noon Meal Organizer and she was not successful in the recruitment process. For the post of Noon Meal Assistant, another Sangeetha applied and she was selected. Instead of issuing appointment order to the said Sangeetha, the appointment order was issued to the petitioner Sangeetha for the post of Noon Meal Assistant mistakenly. The counter affidavit also states that the petitioner did not participate in the process of selection to the post of Noon Meal Assistant at all and it is only a clerical mistake. Because of the clerical mistake, the appointment order was issued to the petitioner. Therefore, the 1st respondent states that the impugned order was passed after noticing the mistake. To rectify the same, the originally selected Sangeetha was issued with the appointment order. Hence, the 1st respondent prayed to dismiss this writ petition.

4. Heard Mr.N.Anandakumar, learned Counsel appearing for the petitioner and Mr.N.Muthuvijayan, learned Special Government Pleader appearing for



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respondents 1 and 2 and perused the records.

5. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner has given her address as “No.4-153, Porumal Malai Adivaram, Kunnupatti, Thuraiyur”. The appointment order was issued for Sangeetha, No.4-55, Kizhakuvadi, Kirambur, Thuraiyur, but this address belongs to one Radhika who participated in selection of Noon Meal Assistant post. Therefore, this Court is of the considered opinion that the claim of the respondents that the appointment order issued to the petitioner due to clerical mistake is acceptable.

6. Moreover, the petitioner has participated only for the selection process of Noon Meal Organizer and she did not participate for the selection process of Noon Meal Assistant. In such circumstances, when the respondents issued an



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appointment order for the post of Noon Meal Assistant, the petitioner ought to have noticed it, since she did not participate in the selection process of Noon Meal Assistant. In order to take advantage of the mistake in the appointment order, the petitioner has kept silent. When the glaring mistake of different address is seen in the appointment order, the petitioner has duty to inform the mistake before joining the post. Therefore, this Court is not inclined to entertain this writ petition. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

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To

- 1.The District Collector,
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- 2.The Personal Assistant to Collector, (Noon Meal),
Trichirapalli District, Trichirapalli.



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S.SRIMATHY, J

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