



WEB COPY



W.P.No.14524 of 2016

IN THE HIGH COURT AT JUDICATURE AT MADRAS

DATED: 12.09.2024

CORAM:

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.14524 of 2016

and

WMP.No.12683 of 2016

M.Sathiyavani

...Petitioner

Vs.

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2. The Commissioner,
Pudupalayam Panchayat Union,
Pudupalayam,
Sengam Taluk,
Thiruvannamalai District.

...Respondents

Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 2nd Respondent in Na.Ka.C1/273/2016 dated 30.03.2015 (30.03.2016) and to quash the same and consequently directing the Respondents to re-instate the Petitioner into service with all consequential and other attendant benefits.



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For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Mr.R.Kumaravel,
Additional Government Pleader

ORDER

Writ petition is filed for a writ of certiorarified mandamus calling for the records relating to the impugned proceedings issued by the 2nd respondent dated 30.03.2015 (30.03.2016) and to quash the same and consequently for a direction to the respondents to re-instate the petitioner into service with all consequential and other attendant benefits.

2. Advertisements were issued in local dailies on 28.01.2016 calling for applications for the post of Noon Meal Organizer, Cook & Cook Assistant in the Noon Meal Centres in Panchyat Union Schools in Thiruvannamalai District. In the advertisement, the information about qualification, age, community, distance and other requisite qualifications were given. As per the instruction of the 1st respondent dated 08.02.2016, the weightage of mark was given for age, community, distance, widow/ destitute/ orphan and physically challenged. Apart from the above, the comparative economic status of the candidates was also to



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be considered. For Thanagoundan Pudur Panchayat Union School, 35 applications were received from the candidates out of which, 24 candidates appeared for interview with testimonials. Out of the 24 candidates, 5 were from the same village i.e. Thanagoundan Pudur. The petitioner claims that she was selected and appointed as per the proceedings of the respondent on 29.02.2016 and from the date of appointment she continued to work as Noon Meal Organiser in Panchayat Union Primary School, Thanagoundan Pudur. Whiles, the petitioner received the impugned order dated 30.03.2016 terminating her from service based on the order of the 1st respondent. The petitioner therefore filed the present writ petition challenging the impugned order.

3. The respondent's filed a detailed counter stating *inter alia*, that due to an inadvertent mistake, the petitioner was given appointment instead of one Sathyavani Muthu, who was placed above the petitioner in the candidates list. The petitioner in fact did not attend the interview and because of some confusion in the two candidates names viz., Sathyavani Muthu and Sathyavani,



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the mistake occurred. The respondents stated that based on enquiry report which was filed in pursuance of a detailed enquiry, the petitioner's services were terminated.

4. When the case was taken up for hearing on 03.09.2024, the learned counsel for the petitioner fairly submitted that the petitioner even before the enquiry committee deposed that she had not attended the interview and therefore the contention of the respondent's that the appointment order was wrongly issued cannot be faulted. The learned counsel for the petitioner submitted that the respondents may be directed to pay the petitioner her salary for the number of days she worked.

5. The learned Government Pleader sought time to get instructions on the petitioner's above plea.

6. Today, when the matter was taken up, the learned Government Pleader submitted that the petitioner worked for 28 days and her salary for 28 days



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works-out to Rs.6,440/-. The learned Government Pleader brought the amount of Rs.6,440/-, being the salary for 28 days (i.e) for the period 01.03.2016 to 28.03.2016 in cash and handed over the same to the petitioner's counsel, who acknowledged the receipt of the same and also made an endorsement to that effect.

Recording the above, the writ petition is disposed of. No costs.

Consequently, connected WMP is closed.

12.09.2024

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2. The Commissioner,
Pudupalayam Panchayat Union,
Pudupalayam, Sengam Taluk,
Thiruvannamalai District.



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N.MALA,J.

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