



WEB COPY



W.P.No.26986 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.26986 of 2012
and M.P.No.1 of 2012

K.Kolanjiammal

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Off N.H.45,
Perambalur.

2.The Commissioner,
Alatthur Panchayat Union,
Kunnam Taluk,
Perambalur District.

3.M.Bhanumathi

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records on the file of the first respondent in Na.Ka.No.414/2012/NMS-1 and quash the impugned order dated 04.07.2012 passed by the first respondent appointing the third respondent as the Cooking Assistant at Mangalam Panchayat Union Elementary School, Mangalam, Kunnam Taluk, Perambalur District and further direct the first respondent to appoint the petitioner as the Cooking



W.P.No.26986 of 2012

Assistant at Mangalam Panchayat Union Elementary School, Mangalam,
Kunnam Taluk, Perambalur District.

WEB COPY

For Petitioner : Mr.J.Ashok

For Respondents 1 & 2 : Mr.M.Rajendiran,
Additional Government Pleader

For Respondent 3 : No Appearance

ORDER

The petitioner has filed this writ petition to call for the records on the file of the first respondent in Na.Ka.No.414/2012/NMS-1 and quash the impugned order dated 04.07.2012 passed by the first respondent appointing the third respondent as the Cooking Assistant at Mangalam Panchayat Union Elementary School, Mangalam, Kunnam Taluk, Perambalur District and further direct the first respondent to appoint the petitioner as the Cooking Assistant at Mangalam Panchayat Union Elementary School, Mangalam, Kunnam Taluk, Perambalur District.

2. The case of the petitioner is that the petitioner viz., K.Kolanjiammal belongs to Scheduled Caste Community and applied for the post of Organizers/Cook/Cooking Assistants called for by the second respondent in



Na.Ka.No.A5/1200/2012. This being so, the petitioner along with three other candidates participated in the interview which was held on three different dates viz., 02.07.2012, 21.07.2012 and 03.08.2012.

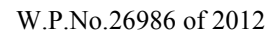
3. This being so, the third respondent was selected for the post of Cooking Assistant by the first respondent under the influence of her mother viz., Mrs.Muniammal, who has been employed as a Cook at Sadaikkampatti Panchayat Union School, Kunnam Taluk, Perambalur District. Hence, the petitioner has made a representation dated 30.07.2012 before the first respondent to furnish a copy of the appointment order, appointing the third respondents as Cooking Assistant but, no action was taken. Therefore, the petitioner has made an application under the Right to Information Act, requesting to furnish the details of the appointment order issued to the third respondent. On such receipt, the petitioner came to know that the third respondent has been selected for the said post on 04.07.2012 and reporting to the duty. Challenging the appointment of the third respondent vide proceedings in Na.Ka.No.414/2012/NMS-1, dated 04.07.2012 issued by the first respondent, the petitioner has come forward with the present writ petition.



WEB COPY

4. Learned counsel for the petitioner would submit that as per G.O.Ms.No.163, Social Welfare and Noon Meal Scheme (NMS.2) Department, dated 18.08.2010, the place of employment and the residence of the candidates should be within 3 kilometers radius. However, in the present case on hand, the place of residence of the third respondent is at Sadaikkanpatti Village, which is five kilometers away from the Mangalam Panchayat Union Elementary School, Managalam Village, Kunnam Taluk, Perambalur District. Hence, the first respondent has violated the condition stipulated in G.O.Ms.No.163, Social Welfare and Noon Meal Scheme (NMS.2) Department, dated 18.08.2010.

5. When the matter was taken up for hearing, learned Additional Government Pleader appearing for the respondents 1 & 2 submitted a written instruction in Na.Ka.No.A4/2554/2014, dated 04.03.2024, wherein it is stated that the third respondent was appointed based on communal roaster, she belongs to MBC-Vanniyar community, her husband is a physically challenged person without one leg and there is no proper income to maintain



<https://www.mhc.tn.gov.in/judis>



W.P.No.26986 of 2012

G.O.Ms.No.163, Social Welfare and Noon Meal Scheme (NMS.2)

Department, dated 18.08.2010, the age limit for the post of Cooking Assistant is 40. Thus, the petitioner has crossed the age limit. However, considering the above factual matrix of the case and on humanitarian, sympathetic grounds this Court issues following directions:

(i) The petitioner is directed to give a representation to the District Collector/first respondent, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On such receipt of the representation the District Collector/first respondent is directed to consider the same by taking into consideration all the above factual aspects and to pass appropriate orders on merits, in accordance with law within a period of six weeks thereof.

8. This writ petition is disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petition is also closed.

18.03.2024 (vm)



W.P.No.26986 of 2012

WEB COPY

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

1.The District Collector,
Office of the District Collector,
Off N.H.45,
Perambalur.

Page No.7 of 9



W.P.No.26986 of 2012

2.The Commissioner,
Alatthur Panchayat Union,
Kunnam Taluk,
Perambalur District.

J.SATHYA NARAYANA PRASAD,J.

vm



WEB COPY



W.P.No.26986 of 2012

W.P.No.26986 of 2012

18.03.2024