



WEB COPY



W.P.No.5730 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.5730 of 2020

and

W.M.P.Nos.6694 & 6695 of 2020

K.Priyadharshini

....Petitioner

Vs

1. The District Collector,
O/o. The District Collector,
Coimbatore District,
Coimbatore – 641 018.
2. The District Child Protection Officer,
O.o. The District Child Protection Officer,
2nd Floor, District Collector's Office,
Coimbatore – 641 018

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned notification of the 1st Respondent, being the notification bearing the nomenclature, 'Pathirikkai Seithi' Vide Se.Va.No.47 dated 21.07.2019 to the extent of appointing a new Data Analyst for the District Child Protection Unit, Coimbatore District and quash the same and consequently direct the 1st Respondent to consider the candidature of the petitioner in accordance with the representation on her behalf dated 22.07.2019.

For Petitioner : Mr.T.Gowtham
For Respondents : Mr.A.M.Ayyadurai
Government Advocate



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ORDER

The instant Writ Petition has been filed challenging the impugned notification of the 1st Respondent, being the notification bearing the nomenclature, 'Pathirikkai Seithi' Vide Se.Va.No.47 dated 21.07.2019 to the extent of appointing a new Data Analyst for the District Child Protection Unit, Coimbatore District and consequently direct the 1st Respondent to consider the candidature of the petitioner in accordance with the representation on her behalf dated 22.07.2019.

2. The learned counsel for the petitioner would submit that, the respondent is going to substitute from one contractual employee with another contractual employee which is contrary to the ratio of the Hon'ble Supreme Court held in **Soni Dineshbhai Manilal V. Jagjivan Mulchand Chokshi** reported in **(2007) 13 Supreme Court Cases 293**. Admittedly petitioner was in contractual employment.

3. The learned Government Advocate would submit that, the petitioner service was no longer required, as her performance was not to the expectation of the Department, and that due to her slackness, there was a huge backlog in the functioning of the respondent. It is pertinent to mention here that the petitioner has no fundamental right to compel the



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respondent Authority to continue her in the contractual position. Here in the case in hand, the respondent has already initiated recruitment process for fresh appointment to cope up their growing day to day requirement.

4. In view of the above, this Court do not find any merits in the present Writ Petition. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

22.10.2024

Index :Yes/No

Neutral Citation : Yes

Speaking order : Yes

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To

1. The District Collector,
O/o. The District Collector,
Coimbatore District,
Coimbatore – 641 018.
2. The District Child Protection Officer,
O.o. The District Child Protection Officer,
2nd Floor, District Collector's Office,
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C.KUMARAPPAN, J

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