



W.P.No.30444 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.30444 of 2012

M.Muthulakshmi

...Petitioner

-Vs-

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Commissioner,
Thellar Panchayat Union,
Thellar – 604 406.

3.Mrs.Selvi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Declaration, declaring the appointment of the 3rd respondent issued by the Commissioner, Thellar Panchayat Union, the 2nd respondent herein is null and void and consequently direct the 2nd respondent herein to appoint the petitioner in the post of Noon Meal Organiser appeared before the interview board on 02.08.2012 and pass such further orders.



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For Petitioner : Dr.R.Sampathkumar
For R1 & R2 : Mr.M.Rajendiran
Additional Government Pleader
For R3 : No appearance

ORDER

This writ petition is filed for issuance of a Writ of Declaration, declaring the appointment of the 3rd respondent issued by the Commissioner, Thellar Panchayat Union, the 2nd respondent herein is null and void and consequently directs the 2nd respondent herein to appoint the petitioner in the post of Noon Meal Organiser.

2. The case of the petitioner is that she belongs to the Hindu Adi-Dravidar SC community and she is a physically handicapped (L.D) with 50% disability. During June 2012 the Block Development Officer (BDO), Thellar Panchayat Union invited applications for the post of 'Noon Meal Organiser' in Theyyar School in the Thellar Panchayat Union. She applied in time for the said post with all the credentials and the disabled certificate was also submitted for proper consideration, particularly in the cadre of disabled candidates. She received a call letter vide Na.Ka.No.2210/2012 dated 28.06.2012 to attend the interview on 12.07.2012 at 2.00 p.m. for the said post.



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3. Learned counsel for the petitioner submitted that on 08.07.2012, she received another letter vide Na.Ka.No.210/2012/Va.Aa.5 dated 08.07.2012 from the said Commissioner of Thellar Panchayat Union saying that as per the recent Government Order, time is required to receive applications from further eligible physically handicapped candidates up to the age of 43 years and as such, the date of interview has changed and the present scheduled fixed on 11.07.2012 and 12.07.2012 is postponed to 01.08.2012 and 02.08.2012 and it is also stated that a separate call letter will be sent to all the candidates. The petitioner was directed to attend the interview on 02.08.2012 in the office of the District Collector, Thiruvannamalai.

4. Learned counsel further submitted that the petitioner attended the interview on 02.08.2012 in the Collectors Office along with other candidates. There were about 27 candidates who appeared before the interview out of which, she was the only candidate from the physically handicapped with 50% disability, that too from Hindu Adi-Dravidar community. Thereafter, the petitioner came to know that her name was not in the selection list, instead Mrs.Selvi, the 3rd respondent herein was selected



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and given an offer of appointment on 07.08.2012 for the post of Noon Meal Organizer. The reason for the rejection of the petitioner was not known further the 3rd respondent who got the appointment is a general candidate.

5. Learned counsel further submitted that the petitioner sent a representation by registered post on 07.08.2012 to the District Collector, Thiruvannamalai District, and to the Commissioner, Thellar Panchayat Union, Thellar, enclosing all her credentials, including physically handicapped certificate. The said representation was received by them on 13.08.2012 but no reply has been given till date.

6. Learned counsel further submitted that she sent a petitioner under RTI Act to know the details regarding the process of appointment and rejection of her candidature for the post of Noon Meal Organiser which is meant for physically disabled candidates. For that the answer given by the Public Information Officer was that no differently abled candidates appeared from the category of differently abled persons for the post of Noon Meal Organiser and no differently abled person was appointed to the post of Noon Meal Organiser in Theyyar School in the Thellar Panchayat Union. The Block Development Officer stated in his reply that there were about 27



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candidates applied for the post of Noon Meal Organiser. Whereas, the Public Information Officer stated in his reply that there were about 17 candidates applied for the post of Noon Meal Organiser which is contrary to each other. The reason given for the postponement of the interview very clearly says that only to get applications from further physically handicapped candidates up to the age of 43, the interview was postponed which itself proves that the post is meant only for the physically handicapped candidates. In order to select the 3rd respondent for the post of Noon Meal Organiser the respondents have postponed the interview. Aggrieved by the appointment of the 3rd respondent, the petitioner has approached this Court by way of filing this writ petition.

7. Learned Additional Government Pleader appearing for respondents 1 and 2 submitted that as directed by this Court to get instruction in regard to accommodating the petitioner to the post of Noon Meal Organiser on a consolidated salary of Rs.5,000/- per month since the petitioner is differently abled person and is aged about 55 years.

8. Learned Additional Government Pleader further submitted that the case of the petitioner will be considered positively and the petitioner may be directed to give a representation to the 1st respondent / District Collector,



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Thiruvannamalai District, to consider the petitioner's case since she is a differently abled person and is aged about 55 years, and her case shall be treated as a special case.

9. Heard both sides and perused the materials available on record.

10. **In view of the above factual matrix of the case, the petitioner is directed to give a representation to the 1st respondent / District Collector, Thiruvannamalai District, within a period of two weeks from the date of receipt of a copy of the order enclosing all the relevant certificates, including the disability certificate and on receipt of the same, the 1st respondent / District Collector, Thiruvannamalai District, shall consider it on merits by taking into consideration that the petitioner is aged about 55 years and is a differently abled person and pass appropriate orders on merits, in accordance with law within a period of six weeks thereof.**

In the result, the writ petition stands disposed of with the above observation and direction. No costs.



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cda

Index : Yes/No

Speaking/Non Speaking order

To

- 1.The District Collector,
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J.SATHYA NARAYANA PRASAD, J.

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