



W.P.No.31972 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.31972 of 2012
and M.P.No.1 of 2012

B.Vanitha

... Petitioner

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2.The Block Development Officer,
Mailam Panchayat Union,
Kotteripattu,
Tindivanam Taluk.

3.Bhuvaneswari

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the appointment relating to the third respondent date 04.09.2012 by the first respondent by his proceedings No.PE4/4717/2012/150 and quash the order passed thereon and consequently directing the first respondent to give appointment to the petitioner.

For Petitioner : Mr.S.Mazhaimenipandian

For Respondent 1 : Mr.M.Murali,



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Government Advocate

For Respondent 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 of the appointment relating to the third respondent date 04.09.2012 by the first respondent by his proceedings No.PE4/4717/2012/150 and quash the order passed thereon and consequently directing the first respondent to give appointment to the petitioner.

2. Learned counsel for the petitioner submitted that the petitioner viz., B, Vanitha belongs to Scheduled Caste Community and comes under widow category. She has applied for the post of Cooking Assistant in Panchayat Union Middle School, Vinayagapuram Village and attended the interview which was held on 10.07.2012 and also submitted all the relevant certificates i.e., School Transfer Certificate, Ration Card, Community Certificate, Nativity and other certificates.



3. Learned counsel for the petitioner would further submit that the petitioner is having two school going children. Being a widow, she is struggling hard to lead her family and without considering these aspects, the first respondent has appointed the third respondent to the post of Cooking Assistant and issued an appointment order vide Na.Ka.PE4/4717/2012-150 dated 04.09.2012. Challenging the said appointment order, the petitioner has come forward with the present writ petition.

4. A counter affidavit has been filed by the respondents 1 & 2. For better appreciation, the relevant paragraph is extracted hereunder:

“5. It is submitted that, the VAO of Periyathachur Villlage is certified the third respondent reside within 3 Km's radius of nutritious meal centre and 3rd respondent is Mrs.Bhuvaneshwari W/o Dhasaradhan have qualified with 10th standard fail, age is 35 years, Hence, in the virtue of G.O.Ms.No.163, Social Welfare and Nutritious Meal Department date 18.10.2010 to follows the Rule of Reservation as per G.O.Ms.No.142 Social Welfare and Nutritious Meal Department above said vacant place served for 'SC' not for SC9widow) and for considering the third respondent age, the first respondent herein Na.Ka.No.PE4/4717/2012-150 in appointed the 3rd respondent for the post of Nutritious Meal Centre Cook Assistant in Panchayath Union Elementary School



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in Vinayagapuram, Tindivanam Taluk, Villupuram District.”

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5. Learned Additional Government Pleader appearing for the second respondent on oral instruction from the concerned authorities working in the office of the second respondent has submitted that as on date there are 55 vacancies available to the post of Cooking Assistant in Mailam Taluk, Villupuram District.

6. Heard the learned counsel on either side and perused the materials available on record.

7. It is an admitted fact that the petitioner belongs to Scheduled Caste Community and comes under widow category. In order to substantiate the same the petitioner has produced the community certificate vide certificate No.7098918, dated 19.06.2012 and widow certificate vide certificate No.Mo.Mu.A1.5447/2012, dated 26.06.2012 issued by the Tahsildar, Tindivanam. At the time of filing this writ petition, the age of the petitioner was 28 years and as on date, she is 40



years old. As per 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. Hence, she is eligible for the post of Cooking Assistant.

8. Considering the submission made by the learned Additional Government Pleader appearing for the respondents 1 & 2 that there are 55 vacancies available to the said post of Cooking Assistant in Mailam Taluk, Villupuram District, this Court issues the following directions:

(i) The petitioner is directed to give a representation to the first respondent/District Collector, within 2 weeks from the date of receipt of a copy of this order.

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

9. This writ petition is disposed of with the above observations and



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directions. No costs. Consequently, connected miscellaneous petition is also closed.

18.03.2024 (vm)

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

J.SATHYA NARAYANA PRASAD,J.

vm

To:

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The Block Development Officer,
Mailam Panchayat Union,
Kotteripattu,
Tindivanam Taluk.

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