



WEB COPY

W.P.No.34545 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 18.12.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.No.34545 of 2015**

**and**

**M.P.No.1 of 2015**

Parimala

... Petitioner

Vs.

1.The District Collector,  
Thiruvannamalai District.

2.The Personal Assistant to the District Collector (Nutrition),  
Office of the District Collector,  
Thiruvannamalai.

3.D.Rajakumari

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records with respect of the impugned order passed by the 2<sup>nd</sup> respondent in his proceedings dated 03.09.2015 in Na.Ka.No.7504/14/SaUthi-1 and quash the same.

For Petitioner

: Mr.R.Nalliyappan

For R1 & R2

: Mr.K.H.Ravi Kumar  
Government Advocate.

For R3

: Mr.D.Rajagopal



## **ORDER**

This writ petition has been filed challenging the proceedings in Na.Ka.No.7504/14/SaUthi-1 dated 03.09.2015, whereby the services of the petitioner was terminated in the post of Assistant to Cook in Panchayat Union Middle School at Melpachar, Tiruvannamalai District.

2. The brief facts that are relevant for disposal of this writ petition are as under:

2.1. In response to the notification issued by the respondents 1 and 2, the petitioner herein participated in the recruitment process for the post of Assistant to Cook in Panchayat Union Middle School at Melpachar and accordingly, she was appointed as such through proceedings dated 06.07.2015. While so, the 3<sup>rd</sup> respondent herein, who also participated in recruitment process for the said post, made a complaint complaining that the petitioner herein is ineligible for being considered for appointment to the said post, as she is residing beyond the distance of 3 km from the School in question and therefore, her appointment is contrary to the provisions contained in G.O.Ms.No.163 (SW&NMP) Department, dated 18.08.2010. Further, the 3<sup>rd</sup> respondent herein also approached this Court by filing



W.P.No.25296 of 2015 challenging the appointment order, dated 06.07.2015 issued in favour of the petitioner.

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2.2. While so, the 2<sup>nd</sup> respondent herein issued a show cause notice dated 24.08.2015, calling upon the petitioner to explain as to why her services should not be terminated for want of satisfying the distance requirement as required in G.O.Ms.No.163 dated 18.08.2010. In response to the same, the petitioner submitted her explanation dated 28.08.2025 by placing reliance on the certificate issued by the Commissioner, Panchayat Union, Thandarampet, dated 01.09.2015 stating that the distance between Mothakkal village boundary to Melpachar village boundary is 2.5 km.

3. The criteria that is required to be fulfilled by the petitioner is that she should be a resident within a distance of 3 km from the School in question. But the said certificate produced by the petitioner does not show the distance between the residence of the petitioner to the School in question. Thus, the 2<sup>nd</sup> respondent, having found that the explanation submitted by the petitioner is not satisfactory, and on concluding that the petitioner is ineligible for being considered and appointed to the post in question, terminated the services of the petitioner through impugned proceedings dated 03.09.2015. It



is aggrieved by the said proceedings, the petitioner approached this Court by filing the present writ petition.

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4. The learned counsel for the respondents contended that the petitioner is not residing within a distance of 3 km from the School in question, once again by placing reliance on the certificate dated 01.09.2015 issued by the Commissioner, Panchayat Union, Thandarampet.

5. This Court has carefully perused the certificate dated 01.09.2015 and is of the considered view that the said certificate does not indicate the distance between the residence of the petitioner to the School in question. Hence, the said certificate is totally irrelevant for deciding the eligibility of the petitioner for the post in question.

6. Added to that, the 2<sup>nd</sup> respondent also filed counter affidavit stating that the distance between the residence of the petitioner and the Panchayat Union Middle School is 4 km. In spite of such a specific averments made in the counter affidavit, neither any rejoinder affidavit is filed nor any other material is placed before this Court to show that the petitioner is residing within the distance of 3 km from the School in question. Once the



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petitioner failed to establish that she is residing within the distance of 3 km from the School in question, the petitioner undoubtedly becomes ineligible and the appointment order issued in her favour is contrary to the guidelines for filling up the post of Assistant to Cook in terms of G.O.Ms.No.163, dated 18.08.2010. Thus, it is evident that though the petitioner was ineligible, her case was considered and she was appointed to the post of Assistant to Cook contrary to the guidelines and qualification criteria. The 3<sup>rd</sup> respondent has rightly objected and accordingly, the respondents 1 and 2 having examined the issue, issued the impugned proceedings after duly putting the petitioner on notice. In spite of affording an opportunity to the petitioner, the petitioner failed to establish her case and except submitting a certificate which is totally irrelevant.

7. In the light of the above, this Court does not find any error or illegality in the impugned order passed by the 2<sup>nd</sup> respondent. Accordingly, this writ petition is dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

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dpa

Index : Yes / No

Speaking order / Non-speaking order



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Neutral Citation : Yes / No

To

- 1.The District Collector,  
Thiruvannamalai District.
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Office of the District Collector,  
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**MUMMINENI SUDHEER KUMAR, J.**

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