



WA No.2749 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

WA No.2749 of 2022

V.Prema

... Appellant

versus

1.The District Collector,
Vellore District,
Vellore.

2.The Personal Assistant to District Collector,
(Noon-Meal Scheme)
Vellore District.

3.The Panchayat Commissioner/Block Development Officer,
Anaicut Panchayat Union,
Anaicut Taluk, Vellore District.

4.S.Priya

... Respondents



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PRAYER: Writ Appeal filed against the order of the learned Single Judge in WP No.9847 of 2016 dated 23.08.2022.

For the Appellant	:Ms.R.T.Sundari
For the Respondents	:Mr.V.Manoharan Additional Government Pleader for respondents 1 to 3 No appearance- Fourth respondent

JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

This Writ Appeal is filed against the order of the learned Single Judge in WP No.9847 of 2016 dated 23.08.2022.

2. Brief facts of the case:

2.1. According to the appellant, she applied for the post of Cooking Assistant in the Anaicut Government Girls Higher Secondary School, Anaicut, Vellore District and she was selected and appointed order was issued on 30.09.2015. Challenging the said selection and appointment of the



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appellant to the post of Cooking Assistant, the fourth respondent/writ petitioner has filed the writ petition. The writ court, finding fault with the selection process, had directed the respondent officials to conduct a fresh selection for the aforesaid post, following the prescribed procedure in accordance with law. Challenging the said order, the appellant has filed the present intra court appeal before this Court.

3. Learned counsel for the appellant submit that the fourth respondent, Priya, who was not eligible for the appointment to the post of Cooking Assistant, as per the Government Order. has filed the writ petition challenging the appointment of appellant for the aforesaid post. Learned counsel further submits that the appellant alone was eligible at the time of submitting the application for appointment to the post of Cooking Assistant in the said school. The writ court finding fault with the procedure had set aside the appointment order passed in favour of the appellant and directed the authorities concerned not to preclude the appellant from continuing the services till the property selected candidate in the new recruitment joins duty in that post.



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4. Learned counsel for the appellant further submits that the appellant served in the said post for more than nine years and subsequently, she was also promoted to the post of Cook. Therefore, the order of the writ court would cause great hardship to the appellant, in case the appellant is removed from service. Hence, learned counsel seeks to interfere with the order of the writ court and allow the writ appeal.

5. This Court has carefully considered the fact and circumstances of the case and also the distance of time. Admittedly, the fourth respondent is not eligible for selection to the post of Cooking Assistant at the time of applications were called for by the panchayat. The fourth respondent, without being eligible for the said post, challenging the said selection process, cannot be entertained and the same is liable to be rejected. Further, no other person has approached the court challenging the appointment of the appellant herein. In such circumstances, we are convinced with the submissions made by learned counsel for the appellant for interfering with the order of the writ court. Hence, the order of the writ court in WP



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No.9847 of 2016 dated 23.08.2022 is set aside. In fine, the writ appeal stands allowed. There shall be no order as to costs. Consequently, CMP No.22332 of 2022 is closed.

[D.K.K., J.] [K.B., J.]
03.07.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

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