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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.7469 of 2017
and
W.M.P.(MD).No.5852 of 2017

M.Rajalakshmi ... Petitioner

Vs.

1.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk,
Chennai-5.

2.The Adi Dravidar and Tribal Welfare Officer,
Office of the Adi Dravidar and Tribal Welfare Officer,
Virudhunagar District, Collectorate Campus,
Virudhunagar.

3.Deepika ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second Respondent in his Proceedings in Na.ka.T2/26290/2014, dated 23.12.2015 and quash the same as illegal and consequently direct the second Respondent to appoint the Petitioner as a Cook in the Adi Dravidar and Tribal Welfare Department, Virudhunagar District.

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For Petitioner : Mr.S.Karthick Subramanian

For R-1 and R-2 : Mr.S.Kameswaran,
Government Advocate

For R-3 : Mr.C.Prithiviraj

O R D E R

This Writ Petition has been filed challenging the impugned order passed by the second Respondent in his Proceedings in Na.Ka.T2/26290/2014, dated 23.02.2015 and quash the same as illegal and consequently direct the second respondent to appoint the Petitioner as a Cook in the Adi Dravidar and Tribal Welfare Department, Virudhunagar District.

2. It is now brought to the notice of this Court by learned Government Advocate appearing for respondent Nos.1 and 2 that subsequent to the filing of this Writ Petition, the appointment made by the second respondent for the post of Cook in the Adi Dravidar and Tribal Welfare Department, Virudhunagar District was cancelled and therefore, nothing survives for further adjudication in this Writ Petition.

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3. However, learned counsel appearing for the petitioner would submit that cancellation of appointments was challenged and the writ petitions were allowed and the petitioner herein is not a party to the said Writ Petition. Learned counsel appearing for the petitioner would also submit that the petitioner is also entitled to be appointed as a Cook.

4. Admittedly, subsequent to the filing of this Writ Petition, since the appointment made by the second respondent for the post of Cook in the Adi Dravidar and Tribal Welfare Department, Virudhunagar District, has been cancelled, the question of granting the relief sought in this Writ Petition does not arise, as the petitioner's grievance in this Writ Petition is that the third respondent had been appointed to the post of Cook.

5. Therefore, in the considered view of this Court, this Writ Petition has now become infructuous, due to the cancellation of the appointment made by the second respondent to the post of Cook. If the petitioner is aggrieved by not being appointed to the post of Cook, she has to redress her grievance by filing a separate legal proceeding in the manner known to her under law and she cannot seek such a relief in this Writ Petition.

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6. After recording the fact that subsequent to the filing of this Writ Petition, the appointments made by the second respondent to the post of Cook in the Adi Dravidar and Tribal Welfare Department, Virudhunagar District, have been cancelled, this Writ Petition is disposed of as infructuous. However, liberty is granted to the petitioner to file separate legal proceeding, incase, the petitioner seeks for being appointed to the post of Cook in the manner known to the petitioner under law. No costs. Consequently, the connected miscellaneous petition is closed.

29.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

1.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk,
Chennai-5.

2.The Adi Dravidar and Tribal Welfare Officer,
Office of the Adi Dravidar and Tribal Welfare Officer,
Virudhunagar District, Collectorate Campus,
Virudhunagar.

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ABDUL QUDDHOSE, J.

TSG

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